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ABSTRACT

This book provides basic information for new board of education members on a wide range of issues that have turned up on board of education agendas in New Jersey over the past 10 years. Separate sections are devoted to the following: (1) the New Jersey School Boards Association's code of ethics for board members; (2) the governance of New Jersey Public Education; (3) the respective roles of board members and superintendents; (4) a school law primer for new board members; (5) understanding parliamentary procedure; (6) policy; (7) the board-superintendent relationship; (8) researching curriculum issues; (9) textbook approval; (10) budget calendar; (11) essentials of school finance; (12) glossary of school finance terms; (13) legislation and the role of the board member; (14) the board and labor relations; (15) foundation of a public relations program; (16) dealing with the press; (17) a selective glossary of education and budget terms; and (18) the New Jersey School Boards Association Field Services Department. (TE)

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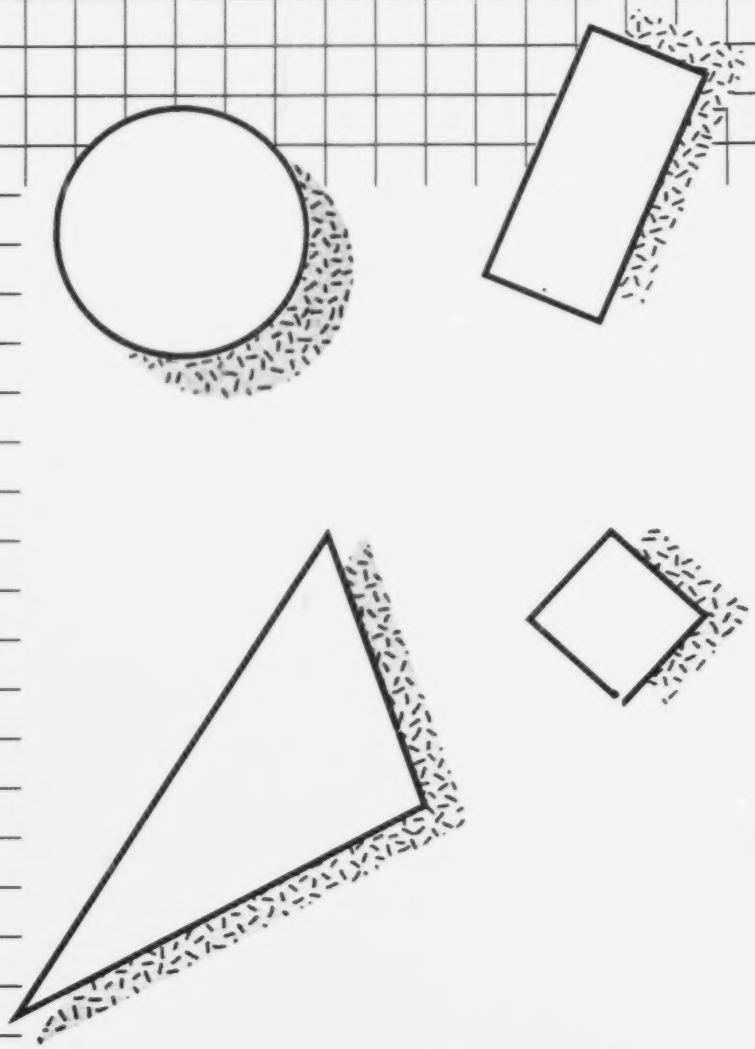
OF SCHOOL BOARD MEMBERSHIP



Fundamentals

OF SCHOOL BOARD MEMBERSHIP

New Jersey School Boards Association
FUNDAMENTALS OF SCHOOL BOARD MEMBERSHIP

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Foreword

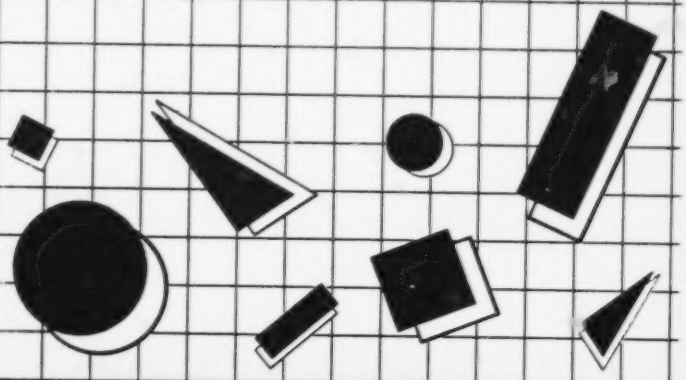
A member of a board of education is entrusted with one of the most important responsibilities which can be held by any citizen—that of helping to plan and oversee the education of the youth of this nation.

The local board of education is a uniquely American institution which has enabled public schools to adapt to the needs of their students and respond to the concerns of their communities. A district school board represents a continuing commitment to lay control of decision making in education.

A review of board of education agendas over the past ten years shows that board members are expected to make decisions on an ever increasing number of issues encompassing an ever increasing number of legislative mandates, state regulations, and court decisions.

The materials in this book have been selected to provide relevant information to new board members as they deal with many of those issues. We hope you will read it over when you receive it so that you are familiar with its contents. Then use it as a continuing reference during your tenure as a board member. We are sure you will find it helpful.

Code of Ethics



1. I will uphold and enforce all laws, state board rules and regulations, and court orders pertaining to schools. Desired changes should be brought about only through legal and ethical procedures.

2. I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools which meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

3. I will confine my board action to policymaking, planning and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

4. I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

5. I will recognize that authority rests with the board of education and will make no personal promises nor take any private action which may compromise the board.

6. I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

7. I will hold confidential all matters pertaining to the schools, which, if disclosed, would needlessly injure individuals or the schools. But, in all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools.

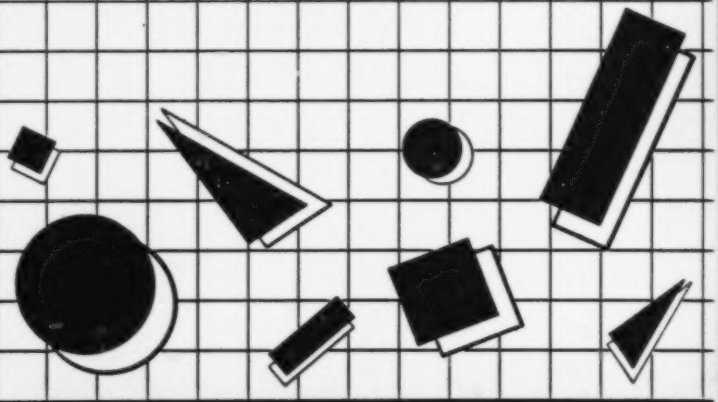
8. I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

9. I will support and protect school personnel in proper performance of their duties.

10. I will refer all complaints to the chief administrative officer and will act on such complaints at public meetings only after failure of an administrative solution.

May 10, 1975, Delegate Assembly, New Jersey School Boards Association

The Governance of New Jersey Public Education: From Where Do You Derive Your Powers?



Constitutional Mandates

"The powers not delegated to the United States by the Constitution...are reserved to the States respectively or to the people." This statement from the 10th Amendment to the United States Constitution is the source of the state government's authority to make laws concerning the education of their citizens. Since 1875, the New Jersey State Constitution has included the following provision: "The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all children in the state between the ages of five and eighteen years."

The New Jersey Constitution clearly and unequivocally places prime and absolute responsibility for education upon the State Legislature. The Legislature may not delegate or abdicate to others its exclusive function to make law (*New Jersey Statutes*, cited *N.J.S.A.*), but it may delegate to governmental agencies, most notably local boards of education and public officials, the power and function to make subordinate rules or orders within its own standards and policies. It is important to note that New Jersey's educational system is based on the concept of *lay* control, not *local* control, and that the exercise of power is shared among officials at all levels of government.

State Level Authority

The general supervision and control of public education, except for higher education, is vested in the state department of education. This department consists of a state board of education, a commissioner of education, and several internal bureaus and divisions, including the state library and the state museum. By law, the state board of education is the head of the state department of education and includes 14 members: 12 appointed by the governor with the advice and consent of the senate, plus the chancellor of higher education ex officio and the chairman of the board of higher education. Members of the state board serve for six years without compensation. The state board of education meets publicly at least once a month, elects its own president and vice president, reports to the Legislature annually and has the power to make and enforce rules (*New Jersey Administrative Code*, cited *N.J.A.C.*) for carrying out the school laws of the state.

The commissioner of education is appointed by the governor with the advice and consent of the senate for a five-year term and is designated by law to be the chief administrative officer of the department of education. The commissioner is given the general supervision of all schools in the state which receive support or aid from state appropriations, excluding institutions of higher education, and he/she must ascertain that the Thorough and Efficient Law (the set of statutes establishing New Jersey's basic educational framework) is being followed by local school districts. The commissioner also has statutory authority to prescribe, with the approval of the state board, minimum courses of study for the public schools, and to require boards of education to submit to him/her, for approval and disapproval, courses of study adopted by them whenever he/she deems it advisable to do so. The commissioner of education must enforce all rules of the state board of education, to which he/she reports once each month as well as at the annual December meeting on the operation and condition of the state's public schools.

County Level Authority

In each county, there is a county superintendent of schools, appointed by the commissioner with the approval of the state board for a term of three years, who has supervision of all public schools within the county. The county superintendent is required to examine all the schools under his/her direction by visitation. He/she must also keep informed about the management, courses of study, textbooks, repair of buildings, budgets, etc. of these schools and report such findings to the commissioner on an annual basis.

New Jersey's education laws contain special provisions for the maintenance of vocational education at the county level through schools having boards of education made up of five members, one of whom must be the county superintendent. County special services school districts for the education and treatment of handicapped children within the county may also be established by county boards of chosen freeholders.

District Level Authority

The schools of each local district are governed through the supervision and control of a local board of education. Since boards of education are created by statute to perform a state function at a local level, their powers are derived from the Legislature and not from the people of their local community. Boards of education can perform only those acts for which express or implied authority exists in state law or in the rules and regulations of the state board of education.

Meetings of a board, under the Sunshine Law, must be held in public with certain specific exceptions such as discussions of individual staff members, negotiations and legal matters. Boards must meet to transact business at least once every two months, although the general practice dictates a formal monthly meeting and more frequent work meetings. Every board may make its own rules for the conduct of its meetings, so long as these rules do not violate state law.

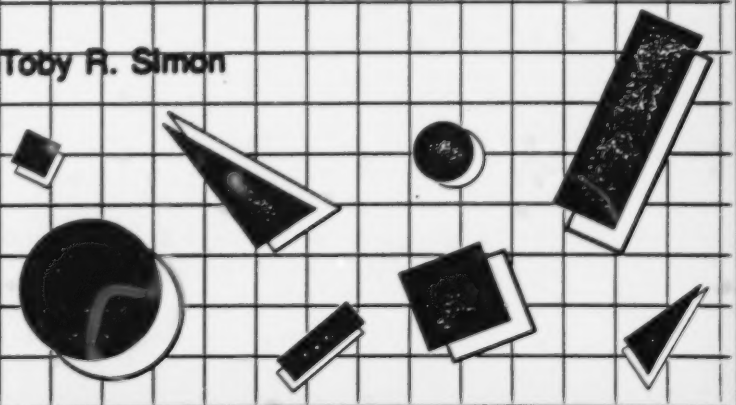
New Jersey School Boards Association

The New Jersey School Boards Association was created by the State Legislature in 1903 "to encourage and aid all movements for the improvement of public education in the state." All of New Jersey's 611 boards of education are members of the Association by law, and their dues provide the necessary financial support for its activities. The Association is governed by a delegate assembly consisting of representatives from each local board of education and operated by a board of directors elected from each of the state's 21 counties together with officers chosen annually by the delegate assembly.

It is important for you, as a local board of education member, to be fully aware of the legal structure of New Jersey's public education system. For a more detailed and comprehensive description of the governance of public education in New Jersey, see the NJSBA publications *Basic School Law* and *Basic Boardsmanship*.

Board Members and Superintendents: Who Does What In Public School Governance

Toby R. Simon



What you don't know can hurt you if it limits your ability to get information, have a concern addressed, or a problem solved. When the matter involves the public schools, understanding the functions of a board of education and those of its chief school administrator will help in understanding how the system works.

This article explains the responsibilities of a board of education, how they relate to those of the chief school administrator, and how each functions in relation to the community.

The Board Member as Representative

School board members are state officials. They are empowered by state law to perform a state function—governing the public schools—at a local level. Their powers are derived from the Legislature and not from the people of their community. They are representatives of their community to the state.

The first link in the educational governance chain runs from the New Jersey Constitution to the Legislature. The latter delegates its power and function to make rules and regulations within the law to the State Board of Education. The state board's staff, the Department of Education, has the authority to carry out the mandates created by those higher bodies. Within all these laws and regulations, local boards of education can develop their own policies covering a multitude of issues relevant to their local districts.

The role of a board of education is not to run the schools but to see that they are well run. To accomplish this a board makes policies. Policies are the written expression of the board's desires for the district's students. The policy statements of the board serve as a guide to the chief school administrator and provide him with direction, a basis for decision making, and an imperative for action. Clearly defined and expressed policies help eliminate ambiguity and confusion between the board and its chief administrator and go a long way toward insuring a smoothly operating school system.

Board members have no legal status other than that of any citizen, except when sitting with other board members in a legally constituted meeting. As individuals, board members cannot make decisions for the board, take actions for the board, or speak for the board—unless the board has authorized them to do so.

Sometimes board members are individually contacted by community members about personal issues. When that happens, board members will rightfully refer the person to the appropriate member of the school staff. 'Going right to the top' in a school system, rather than helping alleviate a problem more quickly, actually complicates it. Going around staff members or over their heads creates morale problems and involves board members outside their area of responsibility. When the chain of command is used properly by citizens and board members, it improves communication and leaves the board of education free to act as final arbiter on issues which have not been resolved at other steps in the chain. To determine who best should handle a matter, citizens should ask themselves, "Who is closest to the problem?" Most often, the answer is a staff member.

When hearing concerns on issues affecting the district as a whole, however, the board members' function as policy makers becomes relevant. Such concerns might appropriately be placed on a meeting agenda for discussion by the whole board or a board committee. The discussion could result in new or revised policies being adopted and implemented in the district.

Board members represent their entire community, not just the area in which they live or their particular supporters. Board members have a responsibility to listen to all citizens and to explain to those with a special point of view the needs of the school system as a whole. Above all, board members are responsible for and to the students in the schools. Every policy they approve, every action they take needs to be based on what is best for the education of those students.

Chief School Administrator as Implementer

The relationship between the board and the superintendent is one of the most critical factors in determining how well a school system operates. The board must trust its superintendent, have respect for his professional training and experience, be confident in his ability to administer the district, and request his recommendations on issues under discussion. The superintendent, in turn, should give the board his loyalty, his best advice on matters under advisement, and provide the most competent management of the schools. In working together, both the board and the superintendent must be conscious of each other's responsibilities.

The superintendent's responsibilities are divided into three areas. He is the chief advisor to the board of education, the executive officer of the school district, and the educational leader of the community.

As the chief advisor to the board, the superintendent is consulted for background information, alternatives, suggestions, and recommendations before decisions are made. He will often bring to the attention of the board those things which require board discussion and/or action. He keeps the board briefed on district operations and may ask other district staff to attend board meetings to give reports on particular items. The superintendent keeps the board informed of problems occurring in the district so that they are always prepared and not surprised by events. As the top education professional, the superintendent continually evaluates and assesses how policies are being implemented. He keeps the board aware of those which are working well, those which need changing, and those areas which need new policy adopted. All issues on an agenda for board action are accompanied by the superintendent's recommendation.

A variety of options and alternatives may be provided in the information, but the superintendent includes his judgment on which would be best. In most instances, he is passing on the results of staff input and study. He acts in this capacity as the spokesman to the board for all the district employees.

As the executive officer of the school district, the superintendent is responsible for administering the policies adopted by the school board. He is, in other words, responsible for running the school system and accountable to the board regarding how well it is run. By personal action, delegation, and supervisory activities, he directs appropriate staff members in the following areas of his responsibility:

- Development, expansion, and evaluation of the education program.
- Recommendations for hiring of new staff and renewal or non-renewal of non-tenured staff.
- Recommendations for disciplinary action for those tenured staff members not performing at expected levels.
- Development of inservice programs for training and improvement of staff.
- Development of sound evaluation procedures for staff.
- Monitoring of all expenditures and the establishment of control systems for purchasing and accounting.
- Maintenance of all school facilities and equipment.
- Development of safety rules and regulations for staff and students.
- Development of all necessary transportation systems.
- Awareness of legal mandates relevant to the public schools.
- Establishment of good lines of communication to community leaders and citizens.

In all of these areas, he must constantly keep the board informed on how things are progressing, where problems might surface, and what actions they should be taking to ensure a smoothly functioning system.

Finally, the superintendent is the educational leader of the community. He remains active in professional education organizations, is familiar with current ideas in education and takes the initiative in bringing worthwhile ideas to the attention of the board and the townspeople.

To insure that the board and superintendent, in carrying out their respective duties, maintain the best relationship, each partner follows some basic guidelines.

For the board, these are:

- not taking actions without consulting with the superintendent and getting his recommendations;
- recognizing the superintendent as the district's education leader and listening to him as such;
- not confusing the role of setting policy for the district with that of running the schools; and
- not surprising the superintendent.

For the superintendent, these are:

- keeping the board fully informed at all times;
- implementing policies of the board in the most effective and efficient manner and evaluating the results;
- recognizing the board as the final authority in the school district and conveying that recognition to the rest of the staff; and
- not surprising the board.

How do the board and superintendent work together in actual decision-making situations? Let's look at two major areas which come up each year—developing a district budget and the hiring and retention of staff—to understand how their roles mesh.

Budget Development

In developing a school budget, both the chief school administrator and the board of education must reconcile the possibly conflicting expectations of those who look to them to represent their interests. Together they must see that a budget is adopted which is reasonable in cost, yet educationally sound and sufficient.

The superintendent performs all of his three functions in developing the budget. As executive officer, he requests all staff—administrators, teachers, secretaries and custodians—to write down their recommendations for the next budget. (Since this process is begun in the spring, they are actually making suggestions for the school year beginning sixteen months later.) He then meets with his principals and central office staff through the summer and early fall, reviewing and analyzing these recommendations, winnowing out those which are less important in terms of the district's priorities. By October or November, he is ready to bring to the board, with appropriate supporting information, final recommendations for a budget which will provide the best educational program for students without placing an unreasonable tax burden on the community.

As chief advisor to the board, the superintendent works with the board members as they review the budget. He must be able to explain the educational rationale for his recommendations and answer their questions. He helps them understand the needs of the district in terms of curriculum, staffing, maintenance, transportation, and student activities. And he continues to update information as their discussions approach the final decision and adoption of the budget.

As the educational leader of the district, the superintendent actively seeks opportunities to discuss the adopted budget with the citizenry. Along with board members, he talks with PTAs and local service organizations about the district's needs and how the budget provides for them. He acts as liaison with the county superintendent of schools to make sure that monies to meet state requirements are also included in the budget.

The board's role in this process is to determine how monies should be allocated to carry out

its policies for the district. For example, if it has determined a desired class size in various grades, then enough staff to assure those levels will be needed. If it has a policy on the maximum number of students per guidance counselor, then an appropriate number of counselors must be provided for. If it has a policy on busing students at less than the state reimbursed limits, then monies must be provided for that. It will have decided in closed session, unless the district is in the middle of a multi-year contract, how much money in salaries and benefits will be offered to staff during negotiations, and that amount is included in the budget. If the board believes that inservice training is valuable, it will approve expenditures for such activities. If it thinks that teachers should rely on textbooks for subject matter, money will go into that account. If, on the other hand, it thinks the district's own staff can develop better materials than are commercially available, it will put funds into curriculum development programs and into printing of duplicated materials.

In order to help them make these decisions, the board members, as representatives of their community, encourage public input throughout their budget discussions. What new programs or changes in offerings does the public want? What are parents' thoughts on class sizes? How reasonable is the tax call? How important are the intramural programs?

The board considers the community's statements, some of which may be in conflict, along with the superintendent's recommendations. It looks at the costs involved, the amount of money which will need to be raised through taxes, and the effect on the citizens' pocketbooks. It then reconciles, to its best judgment, the educational needs of the district's students with the ability of the community to support those needs. A final budget is adopted to be either voted upon by the electorate or considered by a board of school estimate. The different functions of the board and superintendent have meshed well and resulted in a blueprint for the district for the coming year.

Staff Hiring and Retention

Another important area where the different responsibilities of the board and the chief school administrator come together is the hiring and retention of staff.

Here, the superintendent's responsibility as chief advisor to the board is prime. As the professional head of the district, he delegates to principals, department chairmen, and supervisors the the responsibility for evaluating the staff under them. Based on their evaluations, he makes his recommendations to the board concerning renewal of non-tenured staff and whether any tenured personnel should have their raises withheld because of incompetence. Tenured staff otherwise automatically receive their raises according to the salary guide in the negotiated contract. The administrators rely on the superintendent to support them if they evaluate staff members as less than acceptable. The teachers rely on the superintendent to protect them from unsubstantiated attacks.

The board receives information from several sources. As representatives of the community, it gets input from parents and students about teachers. This input is both positive and negative and is received throughout the year. Board members also form their own impressions as they meet teachers at meetings, socially, and at sessions with their own childrens' instructors. And, of course, they have the superintendent's recommendations.

It is very important for the maintenance of district morale that the board and the superintendent relate the information they receive to relevant, objective criteria when making their decisions. Special weight must be given to the superintendent's recommendations—after all, he and his administrative staff are the professionals trained in supervision and evaluation. Parents, however, also have insights which must not be ignored. Their comments, especially when heard repeatedly about a particular staff member, are shared with the superintendent. Where the superintendent's recommendations do not agree with the other information they have received, board members will ask for further background on the staff member and rationale for the recommendations.

In a mutually cooperative process, always considering the district's evaluative criteria, the board and superintendent come to consensus. Their different functions have enabled them to increase the sources and kinds of information brought to the decision-making process.

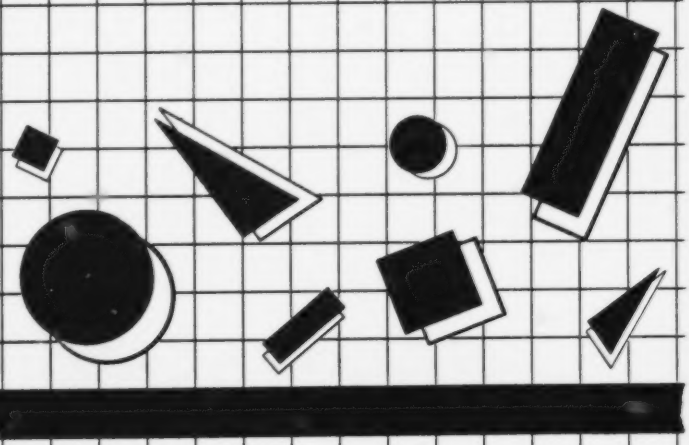
Summary

Board members are their community's representatives, responsible for ensuring that the education provided the students is the best the community can afford. The chief school administrator is the educational expert, responsible for advising the board, managing the staff, and keeping the community informed.

In carrying out their separate responsibilities cooperatively, the board and the chief school administrator aid each other in the effective management of the school system.

School Law Primer for New Board Members

Paula A. Mullaly, Esq.



One needs only to glance at the newspaper or turn on the TV to realize that educational issues are very much alive across the country. The United States Supreme Court continues to grapple with issues such as school prayer, aid to parochial schools, first amendment rights of students and teachers, parental rights and other matters that have an impact on the day-to-day operations of your schools.

Some of the federal decisions pertain to your district only if you receive federal funds, but most of the law under our federal Constitution applies to your district regardless of funding. And you, as school board members, are expected to be familiar with and to comply with these principles.

One of the areas new board members usually are concerned with is individual rights—rights of teachers, parents and students. It is in this area, perhaps, that board members feel most vulnerable to personal liability, and it is also in this area that it is sometimes easiest to make a mistake.

Some of the basic principles in this area as they affect board members follow.

Student Rights

Most of the law on student rights evolved from the turbulent sixties, when demonstrations, sit-ins, and even violence hit many of our public schools. One of the more important cases of that era had to do with the wearing of armbands by students to protest the Vietnam War. When school officials learned that a protest was being planned, they feared violence and adopted a policy that any student wearing an armband would be asked to remove it. If he refused, he would be suspended until such time as he did remove it.

When a group of students appeared at school wearing the armbands and refused to remove them, they were suspended in accordance with board policy. They challenged the policy as violating their constitutional right to freedom of expression. The students won in the U.S. Supreme Court.

Basically, the Court felt that the wearing of armbands in this case was a legitimate expression of free speech and on its own did not constitute aggressive, disruptive action. The Court also set forth some standards for both school districts and students to follow where free speech is concerned. These are as follows:

1. Students maintain their rights to freedom of speech and expression in the school setting, and boards may not arbitrarily restrict these rights.
2. Boards may not prohibit a specific expression of speech—such as wearing armbands—while permitting other, similar forms of expression.
3. However, if the students' conduct materially disrupts classwork or involves substantial disorder or invasion of the rights of others, the board may take steps to restrict the conduct.

What this means for board members is that you may not arbitrarily restrict student conduct which involves freedom of expression unless you are faced with a definite and substantial disruption of school activity.

Students also have some rights in the areas of suspension and expulsion. Specifically, they are entitled to due process—a fair system of hearings—before disciplinary action of this type may be taken against them.

The first thing to remember is that even in short term suspensions of less than ten days, a student must be given oral or written notice of the charges against him. If he denies these charges, an explanation of the evidence that school authorities have and an opportunity to present his side of the story must be given. The hearing is attended by the student, a parent or guardian, the principal and the attendance supervisor, or other designated person. After the hearing, the principal may continue the suspension or remove the suspension, prescribing such conditions as may be reasonable.

If the principal determines that an offense justifies a suspension of more than 10 days, he shall

refer the case to the board of education which shall be hold a "formal" hearing at the earliest practical time. At this hearing, the student may have an attorney present who is allowed to question the student's accusers and to present witnesses on the student's behalf.

One more area of students' rights that remains controversial concerns the removal or regulation of books in the school library. There is a recent case which sets out some guidelines on this subject. In the case, the school board removed from the school library some books that it considered unsuitable for the students. Here are the standards to use:

1. You may not remove books with the intention of denying students access to ideas with which you disagree.
2. You must be able to show that any books you remove are either "pervasively vulgar" or "educationally unsuitable."

While neither of these standards is very clear, the point to remember is that you do not have unbridled discretion to remove or prohibit library books. However, there is certainly no legal requirement that you stock your school library with books that you genuinely feel are objectionable. On this score, it's a good idea to keep in touch with your community and solicit their input. This way, if you do find it necessary to remove or prohibit books, you will have the community behind you.

Teacher Rights

This is an area in which board members seem to feel very vulnerable. Most of you will be guided in this area by your collective bargaining agreement and your state laws. However, there are some key federal principles with which you should be familiar.

First, teachers too have the right of free speech, and this comes into play most often when teachers exercise their rights as citizens. For example, a teacher who writes a letter to a newspaper critizing board actions cannot be dismissed on that basis alone. Instead, consideration must first be given to whether any adverse statements are directed to immediate supervisors or anyone else with whom the teacher would be in daily contact. An employee who makes a public attack on a superior may be making discipline or harmony among co-workers impossible. In such cases, that employee's free speech rights must be balanced with the board's need to maintain good employee-employer relations.

Dismissal or discipline of a teacher cannot be based merely on a board's displeasure with that teacher's legally protected conduct. Instead, there must be a showing of actual and significant disruption of the employment or the classroom atmosphere. For example, a teacher who incites students to misbehave in order to protest a board action would certainly be subject to discipline.

It is also important to remember that teachers and other employees are entitled to "due process" when faced with disciplinary action.

Parents' Rights

The area of parents' rights is somewhat new and still developing. Most often, the conflict is between the parent and state law, but in recent years several federal enactments have put the burden on school board members to protect parental rights. One of these enactments has to do with student records.

The Family Educational Rights and Privacy Act requires that parents be allowed access to their child's school records. Also, parental authorization is needed before copies of these records may be sent to non-school organizations and agencies, with certain exceptions. And, parents who believe their child's records contain inaccurate or irrelevant information are permitted to challenge the contents of those records.

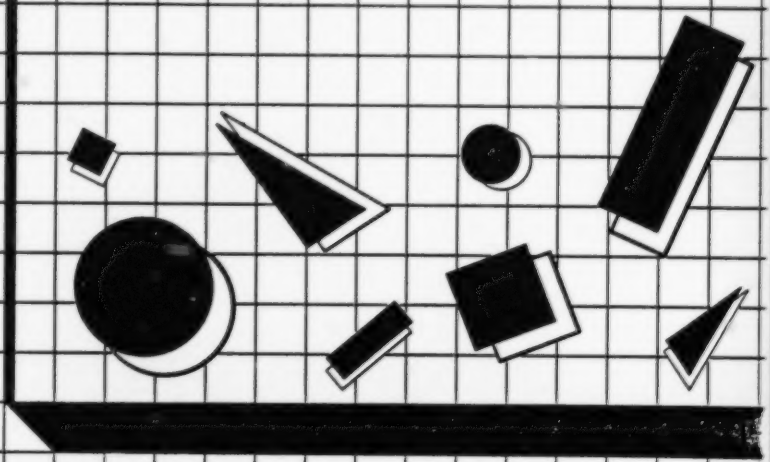
Parents of handicapped students are entitled, under federal law, to be informed of their child's

education evaluation, placement and status, in their native language, and are accorded the right to a hearing on any matter relating to the child's handicapped status. This includes the right to counsel and the presentation and cross-examination of witnesses.

From a legal perspective, serving as a school board member is not an easy task. This information is just a fraction of the body of federal school law with which school board members are expected to be familiar. Yet, despite the overwhelming amount of learning that new board members must undertake, our country's system of free public education is sound and effective and makes your service worthwhile.

Understanding Parliamentary Procedure: An Introductory View

Alex Richardson



The first encounter with parliamentary procedure often produces bewilderment at the mass of detail and a feeling of pique at the seemingly stilted language employed. Neither impression is justified. The details follow a logical pattern and are easier to cope with once the principles are understood. The specific language has a reason for being. Just like legal terminology, each phrase has developed a very precise meaning through use over the years. Sticking to the proper phrasing reduces the chance of misunderstanding and, incidentally, makes it easier to look up needed information in a reference work. This article introduces the reader to the principles of parliamentary procedure, after which the standard reference works should appear less formidable.

Parliamentary procedure was not created by an individual nor enacted by law. It is a body of common practice that has grown over the years and been refined, by generations of debaters, into a technique that seems to be the best way for deliberative bodies to reach decisions in a reasonably expeditious manner.

There are three important principles of parliamentary procedure:

- The right of the majority to reach a decision.
- The right of the minority to be heard.
- The assembly itself is the final authority.

These three principles must be maintained but, since they are often at variance with one another, parliamentary procedure balances the conflict.

All members of an assembly should be familiar with the principles of parliamentary procedure. Some feel that only the presider needs to be knowledgeable, but if all participants understand the procedures, the process will work more smoothly and efficiently. On the other hand, no one, particularly a newer member of the body, is expected to know all the details. Indeed, one of the most important things to be learned is that asking questions about procedure during debate is not only possible, but encouraged. Asking a question about procedure ("Is an amendment in order now?") takes precedence over all other business except adjournment, setting the time of the next meeting, or insisting that the agenda be followed.

The business of a deliberative assembly is handled by the basic unit of the *Motion*. The 20 common motions in their proper precedence are shown in Table 1. At this point, however, emphasis should be on the basic principles. The details can be mastered later. ADJOURN is routine, and motions 1,3,4,6,8,9,11,19 and 20 rarely occur. The bulk of the work is accomplished by 10 motions (5,7,10,12-18).

TABLE I

1. Fix Time of Next Meeting
2. Adjourn
3. Questions of Privilege
4. Call for Orders of the Day
5. Points of Order/Information
6. Appeal
7. Suspend the Rules
8. Create Special Orders
9. Withdraw (a motion)
10. Vote/Division Assembly or Question
11. Objection to Consideration
12. Table/Take from Table
13. Previous Question
14. Postpone to Certain Day/Time
15. Refer
16. Amend
17. Postpone Indefinitely
18. Main Motion
19. Reconsider
20. Rescind

The process starts with the making of a MAIN MOTION, for example, "I move that we have a picnic on Tuesday". The other motions are used to debate the issue, or modify it, until agreement is reached and some disposition of the issue has been made. Another way of looking at it is that a piece of business is defined, discussed, and disposed of. A motion must be "made" or "on the floor" before discussion starts because of the basic need to keep discussion within bounds. Without a motion, the presider has much greater difficulty keeping the discussion on track. Of course, two main motions cannot be on the floor at one time.

The order of listing in Table 1 gives the precedence of the motions. No motion may be acted upon while another of a higher precedence is pending (under consideration). Thus if there is a CALL FOR ORDERS OF THE DAY and a member raises a QUESTION OF PRIVILEGE, the QUESTION OF PRIVILEGE takes precedence and is settled before resuming action on the CALL FOR ORDERS.

It is not necessary for a motion to be perfectly expressed in order to start debate. The motion can be changed by amending it. The motion to amend is simply "I move that we amend the motion to read Thursday instead of Tuesday." There is no limit to the number of amendments that can be applied to a motion, although an extensive number would suggest rewriting the motion. The motion as amended should certainly be read in full before voting. Even an amendment can be amended, but here the process stops. You cannot amend an amendment to an amendment.

When the presider senses that the group is ready, a vote will be called for. It may be by voice (viva voce), show of hands, or by ballot, depending on current needs. Frequently a voice vote suffices although, if there is any doubt, an accurate count should be taken. Any member has the right to CALL FOR A DIVISION. This means take a count and the term stems from the time when members of the British Parliament actually filed out the chamber by one of two doors and were tallied as they went. The vote on the question "disposes" of the question and brings to a close the basic "define-discuss-dispose" cycle. The word "dispose" has significance because once voted on, a matter cannot be brought up again at the same session except by a motion to RECONSIDER, which has its own complications. These are discussed later.

If the motion has amendments applied to it, the amendments are voted on first, in reverse order. An amendment to an amendment, if any, is taken first, then the amendment itself. When all amendments have been voted on, the MAIN MOTION as amended is voted on. If the motion and the amendments are simple and clearly understood, the presider may expedite things by simply asking "All those in favor of the motion as amended..." AMEND is shown in Table I as motion 16, but it actually takes its precedence from, and precedes, the motion to which it applies.

At this point a brief word about seconding is in order. Most motions require a second, on the principle that at least two members should want the matter discussed or a particular action taken. This is in line with the principle that one person shouldn't be able to tie up an assembly with unnecessary motions. This is the right of the assembly to proceed. Since most motions require a second it is easier to remember the exceptions. Of the motions listed in Table I only five *do not* require a second. These are: QUESTIONS OF PRIVILEGE, CALL FOR ORDERS, OBJECTION TO CONSIDERATION, WITHDRAW A MOTION, and POINTS OF ORDER/INFORMATION. Of these 5, POINT OF ORDER is the only one commonly encountered.

Situations arise where the simple move-discuss-vote cycle will not suffice. It may be that the members want further time to study the idea or may wish to discuss another point before deciding this one. In such cases, the motion is LAY ON THE TABLE or simply TABLE. When the body is ready to resume discussion, the motion is made to TAKE FROM THE TABLE. The tabling motions have high priority, taking precedence over POSTPONING, REFERRING (to committee), or closing debate (PREVIOUS QUESTION). This is done because tabling leaves the question within reach of the assembly, while the other actions put the matter beyond reach or out of consideration for this session. Motions do not have to be TAKEN FROM THE TABLE in the same order in which they were TABLED. There are also means of disposing of a motion other than tabling or voting.

The body may REFER (to committee), POSTPONE TO A CERTAIN TIME, or POSTPONE INDEFINITELY. After a MAIN MOTION has been voted on, it may be RECONSIDERED or RESCINDED but, as noted, these motions have additional complications and are not often used.

Another important motion is POINT OF ORDER. This motion calls the assembly's attention to a possible procedural error. The motion is given a high priority so that if procedural error has occurred, the assembly is saved the trouble of undoing work done incorrectly. Any member may move it. It does not require a second and may even interrupt a speaker who has the floor. It should be moved promptly, at the point of infraction, so to speak. It is moved by saying "I rise to a Point of Order." POINT OF INFORMATION (technically Parliamentary Inquiry) enjoys the same precedence as POINT OF ORDER although it is sometimes omitted from charts and tables. This motion was referred to earlier and no member should hesitate to make an inquiry any time that procedure is in doubt. However, POINTS OF INFORMATION are restricted to questions of parliamentary procedure. Questions about the subject matter only enjoy the precedence of normal debate.

POINTS OF ORDER and INFORMATION are ruled on by the chair, subject to APPEAL to the assembly. The chair may also rule on dilatory or frivolous motions, this also being a means of keeping things moving. On the subject of appeals, any ruling of the chair may be appealed, but the APPEAL must be made before further business is conducted. An APPEAL needs a second and a tie vote sustains the chair. If the chair is a member of the assembly, as is usually the case, the chair's vote is counted in determining whether a tie exists. The idea that the chair votes only to break a tie is erroneous. The chair does not surrender the right to vote by acting as presider.

This question of appeals is a clear illustration of the principles of parliamentary procedure. Permitting the chair to rule on various actions speeds up the proceedings and yet protection against abuse of the power is supplied by the right of appeal, with the assembly itself acting as the final authority. The requirement for a second stops a single person from tying up the proceedings (the right of the majority to proceed).

The whole question of PRIVILEGE is complicated. It affects the precedence of motions since some motions have different priority, depending on whether they are privileged or not privileged. QUESTIONS OF PRIVILEGE rarely come up in the course of board business. Privilege deals generally with the comfort and convenience or safety of the members of the assembly. A simple example would be the request for the assembly to quiet down because the noise makes it difficult to follow the discussion. Items of this nature can greatly affect the transaction of business and so QUESTIONS OF PRIVILEGE are given high precedence.

A motion to call for ORDERS OF THE DAY really means, "Stick to the official agenda." The high precedence of this motion makes agenda juggling difficult and is one of the checks and balances that offsets the power of the presider.

SUSPEND THE RULES is also a motion of high precedence because at times, for important reasons, there may be a real need to do so. However, it is very bad practice to circumvent rules simply as a matter of convenience. If it is felt to be necessary, a formal motion should be adopted and recorded. A mere verbal agreement leaves the record in doubt. SUSPEND THE RULES requires two-thirds majority as do all motions that tend to limit the rights of free and unrestricted debate.

CREATE SPECIAL ORDERS places an item on the agenda at a specified time. When that time arrives, the special order takes precedence over whatever else is on the floor at the time (except another special order).

OBJECTION TO CONSIDERATION should only be used to block debate on a subject that the mover has reason to believe will be detrimental to the assembly's interests. Such might be the case if a member knew that another was likely to make a destructive harangue about another member. This is one of the few motions that does not require a second, since the mover may be the only one who has knowledge of the impending embarrassment. Since the motion does block free and open debate, it must receive a two-thirds majority vote.

PREVIOUS QUESTION is the proper name for what is commonly called "moving the question" or "calling the question." This motion does not automatically close a debate, but is a means for quickly determining whether the assembly as a group has had sufficient debate. The motion to call the question requires a second and is undebatable. Since it would seriously impinge on the rights of the members to free debate, it too requires a two-thirds majority. It is a necessary motion though, because as we have seen, the assembly must have some means to come to a conclusion and not permit one or two die-hards to tie up a meeting.

LIMITING DEBATE to a fixed length of time (or extending debate) is a form of this same motion and is subject to the same restrictions for the same reasons.

Sometimes a motion is put on the floor containing two unrelated ideas or ideas the assembly wishes to discuss separately. Usually the presider divides the questions on his own initiative, this being a rare case where the presider actually makes what amounts to a motion. The presider can also divide in response to a motion from the floor. If there is objection to the division, the matter should be put to a vote, the assembly being the final authority. The division should take place before debate begins. The motion to DIVIDE ranks with VOTING (10) in precedence. This is one case where there is confusion over terminology. The term "division" can refer to the division of the assembly, i.e., insisting on an exact count of the vote, or it can refer to dividing a motion that has been put on the floor. DIVISION, as a voting term, has already been discussed and it is the second aspect we are addressing here.

RECONSIDERING a question already voted on, as noted earlier, has some complications. Robert and Jones hold that the motion may only be made by a member of the prevailing side, that is, who won the vote on the original motion. Sturgis holds that the motion may be made by any member, but this would seem to be contrary to the right of the assembly to proceed. In any event, no motion may be twice RECONSIDERED and once the motion has been employed the issue is disposed of for that session. If the question is one voted on at a previous session, the motion to RESCIND should be used, with the same restrictions as to whom may move it and the same two-thirds majority required to pass.

Abstentions by common practice are counted with the majority; however, recent Commissioner's rulings have held that abstentions be counted differently depending on circumstances. This can be an important distinction, since there are statutory requirements as to majorities in many cases. Board bylaws should clearly spell out the practice to be followed so that there is no doubt. The September/October 1980 issue of *New Jersey School Leader* contains an excellent reference.

Straw votes are not permitted by Sturgis. She holds that all votes are binding. In small groups this would seem valid but in large groups, such as the delegate assembly where it is sometimes difficult to sense the will of the group, straw votes are a useful means of determining when sufficient debate has occurred, as long as the fact that it is a straw vote is made clear.

FIX TIME OF THE NEXT MEETING is usually not needed in board work since the meetings generally are scheduled in advance. The motion has the highest possible precedence, though, to prevent the meeting from being adjourned without a new meeting being set, thus effectively dissolving the assembly.

There are three good references for those who wish more detailed information:

Robert's Rules of Order, Scott, Foresman and Company

Parliamentary Procedure at a Glance, O. Garfield Jones; Hawthorn Books

Sturgis Standard Code of Parliamentary Procedure, McGraw-Hill

General Robert's classic work refined the rules of Congress for the use of ordinary societies and is probably the most widely known and accepted. Sturgis' language is perhaps a bit easier to follow. Jones is simple but accurate, with somewhat less detail than the other two, but is an excellent introductory text. It also contains a particularly good chart of the motions and their precedence. Any group following parliamentary procedure should clearly state in their bylaws

which authority they follow. There are some technical differences among the authorities as noted, and these differences should be understood beforehand.

Parliamentary procedure, though at first seeming complicated, does have a logical and orderly pattern. While not perfect, it is like democracy, with weaknesses but better than any know substitute. Some view parliamentary procedure only as a means to obstruct and maneuver. This is all the more reason why everyone concerned should be aware of the basic principles and use them for positive ends. The assembly is the final authority and need not be coerced if it doesn't want to be.

Table II at right is a different organization of the basic motions. It shows what options are open to the assembly to produce a given result. The numbers of the standard motions are indicated and where a two-thirds majority is required, that is also indicated.

TABLE II

Do you want to:

Introduce an item for action?
MAIN MOTION OR RESOLUTION ..... #18

Modify the motion?
AMEND ..... #16
DIVIDE the question ..... #10
REFER to a committee ..... #15

Defer Action?
POSTPONE TO A CERTAIN TIME ..... #14
Make a SPECIAL ORDER (2/3) ..... # 8
TABLE ..... #12
REFER to a committee ..... #15

Prevent action on the question?
Before debate: OBJECT TO CONSIDERATION ..... #11
After debate: POSTPONE INDEFINITELY ..... #17

Reject the question?
Before debate: OBJECT TO CONSIDERATION (2/3) ..... #11
Move the PREVIOUS QUESTION or close debate ..... #13
After debate: POSTPONE INDEFINITELY ..... #17

Consider a question a second time?
TAKE FROM THE TABLE ..... #12
RECONSIDER ..... #19
RESCIND previous action
without previous notice (2/3)
with previous notice (majority) ..... #20

Vote?
Call for division or VOTE ..... #10
PREVIOUS QUESTION or close debate ..... #13

Re-open the main question to debate?
RECONSIDER a debatable question ..... #19

Prevent action from becoming final?
RECONSIDER ..... #19

Change the form of debate?
LIMIT DEBATE (2/3) ..... #13
Move the PREVIOUS QUESTION or close debate (2/3) ..... #13

Interrupt to make a personal request?
Rise for INFORMATION ..... # 5
QUESTION OF PRIVILEGE ..... # 3
Read a statement ..... # 3
WITHDRAW a motion ..... # 9
PARLIAMENTARY PROCEDURE INQUIRY ..... # 5

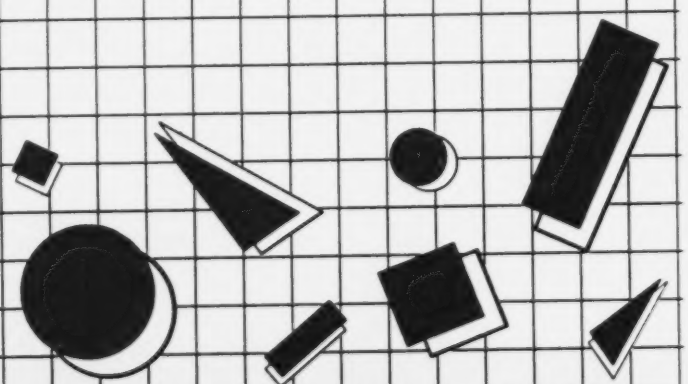
Correct a mistake in the proceedings?
Rise to a POINT OF ORDER ..... #5

Propose action which violates a rule of the meetings?
SUSPEND THE RULES (2/3) ..... # 7

Challenge a decision of the chair?
APPEAL ..... # 6

Policy

Marjorie M. Martin



Board members individually and boards as a whole do not run schools; they govern school systems. They make policy, appoint administrators to carry out that policy, and regularly evaluate the efficiency of the administrators and the efficacy of the policies. Board policy determines the philosophy and goals of the district. The administration, through programs and regulations, works towards implementing and achieving them. By constant evaluation, the board keeps track of how close the school system is to where it wants it to be.

What Determines the Necessity for Policy in a Given Area?

N.J.S.A. 18A:11-1 directs local boards of education to adopt policies for the operation of the district schools and bylaws for its own operation. This is the general enabling statute, and covers everything not otherwise specified in New Jersey law. Statute, code and resolutions of the state board of education can and do require local boards to develop policy on particular topics, and sometimes specify minimum content, e.g., extracurricular activities including interscholastic competition.

The monitoring process implies the necessity for policy in that the board is responsible for compliance with state requirements. Lack of compliance means lack of certification. Unless the board defines what it wants in monitored areas, it cannot direct the administration to comply.

Common sense indicates the necessity of policy in a wide variety of areas. It is common sense to have policy in an area which the state board has encouraged boards to address, and on which compliance will be reported by the commissioner to the state board. It is common sense to have policy in areas in which statute and/or administrative code require regulations, because administrative regulations implement board policy and, therefore, board policy—no matter how minimal—should be in place. It is common sense to have policy in areas in which the commissioner, the courts or PERC have indicated that board policy will be respected. It is common sense to have policy in areas sensitive to a given district, whether they are required or not.

The Role of the Board and of its Administrators

Policy is both philosophical and practical. It states what the board wants to have done and why. It places responsibility on the appropriate administrator and in some way requires feedback on how well the policy is carried out. Regulation is the province of the administration and implements the policies of the board. It provides the detailed plan to accomplish the goal or objective set by policy—who will do what, where and when. The more detailed a policy is, the closer it becomes to a regulation. In this gray area, the board must avoid taking over tasks for which it has hired competent administrators.

Where does the dividing line fall between giving the administration clear and sufficient guidance and making the rules? This may vary from district to district or from topic to topic. For example, only the board can authorize busing of pupils who live less than the state-defined "remote" distance from the school. Having set the distance or the conditions for which it will pay for transportation without state reimbursement, the board should leave to the administration the determination of eligibility for the individual pupil. Again, for example, only the board by an official action can hire a teaching staff member, but the board is not permitted to hire a teaching staff member against the recommendation of the chief school administrator.

The board sets the destination, the administration charts the course. Certain parts of the detailed plan—curriculum, textbooks—require board review and adoption. The law requires the board to adopt certain regulations, e.g., pupil records, identification of possibly handicapped, etc. Otherwise the board does not become involved with regulations unless the chief school administrator requests its review or approval of regulations in a sensitive area, or a pupil, parent/guardian or

other community member grieves a rule or regulation as not correctly implementing board policy.

In summary, the role of the board is governance through policy-making decisions. The role of the administration is to develop regulations and take actions to implement those policies.

Characteristics of Good Policy

All of a district's policies should be clear, practical and within the law. In measuring district progress toward achievement of local and state goals and objectives, district policies must also be assessed for their appropriateness. Individual policies address specific aspects of a district's operation or direction, but must also be in concert with the whole body of policies which make up the governance system of the district and must be kept up to date to reflect changes in law or community needs.

Developing Good Policy

There are four steps in developing good policy: defining the need, getting all the facts, reaching consensus and providing for evaluation.

To be clear, a policy must express in unambiguous language what the board expects to be accomplished. Defining the need—setting forth exactly what is being addressed and reviewing the circumstances—is the first step. Closely linked to this is getting all the facts. The facts include relevant law, current negotiated agreements, existing policy and practice, community needs and desires, district resources, and information on what other districts are doing. Knowing all these things will help the board develop a workable policy within the framework of its resources and current practices which will comply with the law.

The third step—reaching consensus—is the practical politics of agreeing on the possible. While board members should not consider any particular faction in the community their sole constituency, many different opinions may surface on any detail of a particular policy. It is the board's obligation, after careful review of the facts, to arrive at a decision acceptable to a majority of the board. "Acceptable" means just that—not necessarily preferred, but not anathema. "Majority of the board" is a necessity unless the board is prepared to have its policies changed or reversed at every other board meeting.

Finally, providing for evaluation ensures that the action called for by the policy is and remains both viable and effective. Because each individual policy is also part of a whole governance system, it may not be necessary to specify times or techniques for evaluation, but the implication must be there, either in policies linked by cross references or in policies requiring evaluation of the major area of which the single policy is a part. For example, policy which provides for the use of facsimiles in place of individually written signatures would be included in the general evaluation of business practices. Evaluation of various special education programs—gifted and talented, handicapped, etc.—would be included specifically in the policies addressing them, as well as in the general policy on evaluation of the educational program.

Finding and Using the District's Policies

The best policy in the world cannot be implemented, evaluated or kept up to date unless the board can find it. Nor can all the facts be gathered in developing a new policy unless the related existing policies are readily identifiable. Policies must be organized. The board should select a coding system with an overall index. NJSBA School Policy Service uses a numerical index which allows for insertion of new topics at an appropriate place when necessary, and which also demonstrates the logical relationship between topics, which makes cross references easy to determine.

Policies should be kept together in one place. A ringbinder is the least expensive and most efficient organizer for the district's governance manual. In addition to policies and bylaws, such a

governance manual should contain districtwide policy-level regulations, contract references, legal cites, cross references, the coding system, and exhibits such as forms which the board considers vital public knowledge.

The governance manual is more than just a handy organizer. Used properly by board members and the administration, it allows the board to concentrate its attention on matters it has not yet addressed, rather than on making the same decisions over and over again. It provides for consistency in decision making, which in turn protects the board from charges of being arbitrary, unreasonable or capricious. With its legal cites and contract references, it informs the public of the authority for board actions. It reminds the board of the legal limits of its own authority, and of the distinction between its role and that of the administration.

Maintaining the Governance Manual

Maintaining the manual has two aspects: keeping up with changes in the law, in education, and in community needs; and review, both on a regular basis and when some question arises, such as a request for suspension of policy or protest on a regulation.

In both aspects, appointment of a policy coordinator is essential. The policy coordinator keeps track of changes so that appropriate policies can be reviewed in a timely fashion, presents appropriate sections of the manual for board review/reaffirmation on a regular basis so that the manual as a whole is kept harmonious and up to date, and provides the board with all the facts when new policy must be developed. The chief school administrator or designee is the most usual and probably the most appropriate policy coordinator, even in the larger districts. The board policy chairperson works closely with the coordinator because, in the end, the decision-making power rests with the board.

Bylaws of the Board

The board's primary responsibility is to see to it that the district is governed by clear workable policies that address all aspects of the district's operation. The manner in which the board conducts its business in developing and adopting these policies is governed by its own bylaws. These established procedures for the internal operation of the board remind board members of the framework of laws that both grant and limit authority and prevent arbitrary and capricious actions. The sample bylaws that follow are examples of established board procedures.

FORMULATION, ADOPTION, AMENDMENT OF POLICIES

The board of education recognizes that one of its most important functions is the establishment of long-range policies for the public schools of this district. The board acknowledges that these policies must be directed to providing a thorough and efficient education for its pupils, and must also reflect mature consideration of the will and needs of the community.

In order to ensure that policy adopted by the board is timely, legal, consistent, and in the public interest, the board appoints the chief school administrator as policy coordinator.

The policy coordinator shall establish procedures to implement this bylaw.

These procedures shall conform in all respects to the bylaws of the board concerning agenda and meetings. The procedures shall provide a means whereby all interested parties in the school community may submit proposals for additions and amendments to the school district governance manual, and may contribute opinions and information for the board's consideration.

The policy coordinator shall ascertain any conflicts between proposed and existing policies and bring them to the attention of the board at the first reading of the draft. Policies may be adopted on second reading by a majority vote of the full membership of the board or may be further revised until consensus is reached.

In the interest of efficient administration, the chief school administrator shall have the power to decide all matters of detail that may arise for which no specific provision is made in the policies adopted by the board, but no emergency action shall constitute official board policy. The chief school administrator shall present the matter at the next board meeting so the board can consider policy to deal with that situation in the future.

The board reserves to itself the right to final determination of what shall be the official policy of the school district.

Continuing Review of Board Policies

The passage of time and changing circumstances may alter the community's point of view. Changes in the law may alter what is allowable or what is required.

Therefore:

A. The board directs the policy coordinator to develop procedures for continuous orderly review of the policies in the board governance manual during the time provided for "policy" on the agenda of the regular board meeting. Any necessary revisions shall be made in conformity with this policy.

B. When changes in law occur, an immediate review of existing policy will be made. If required policy is lacking, its development shall become the most immediate policy consideration. If the terms of existing policy are not affected by changes in the law, and the policy still reflects the intent of the board in the matter, then the policy shall be officially reaffirmed as of that date, and so recorded in the minutes.

C. The board directs the chief school administrator or designee to review the rules and regulations implementing any amended or altered policy to ensure that they conform to the intent of the policy as amended or changed.

Date:

Legal References:	*N.J.S.A.* 18A:11-1	General mandatory powers
	N.J.S.A. 18A:17-20	Superintendent; powers and duties

Cross References: 9000 Role of the board
9313 Formulation, adoption, amendment of policies
9322 Public and executive sessions
9323/9324 Agenda preparation; advance delivery of meeting materials

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NJSBA SCHOOL POLICY SERVICE Sample policy, administrative regulation, exhibit	FILE CODE: 9313

FORMULATION, ADOPTION, AMENDMENT OF ADMINISTRATIVE REGULATIONS

The board delegates to the chief school administrator the function of implementing board policies through the development and execution of detailed arrangements and rules under which the school district shall be operated.

These administrative rules and regulations must be consistent with board contracts and policies, statutes, rulings of the Commissioner, and rules of the State Board of Education.

In the interest of efficient administration, the chief school administrator shall have the power to decide all matters of detail that may arise for which no specific provision is made in the policies adopted by the board. All decisions so rendered shall be reported at the next meeting of the board.

The board itself will adopt administrative regulations when specific state laws require board adoption, and may do so when the chief school administrator recommends board adoption. The board reserves the right to review and cause revisions of administrative regulations should they, in the board's judgment, be inconsistent with the policies adopted by the board.

The chief school administrator shall ensure that revisions and amendments to policy shall be reflected in the rules and regulations.

Date:

Legal References:	*N.J.S.A.* 18A:11-1	General mandatory powers and duties
	N.J.S.A. 18A:17-20	Powers and duties of superintendent
Cross References:	2210 Administrative leeway in absence of board policy	
	9311 Formulation, adoption, amendment of policies	

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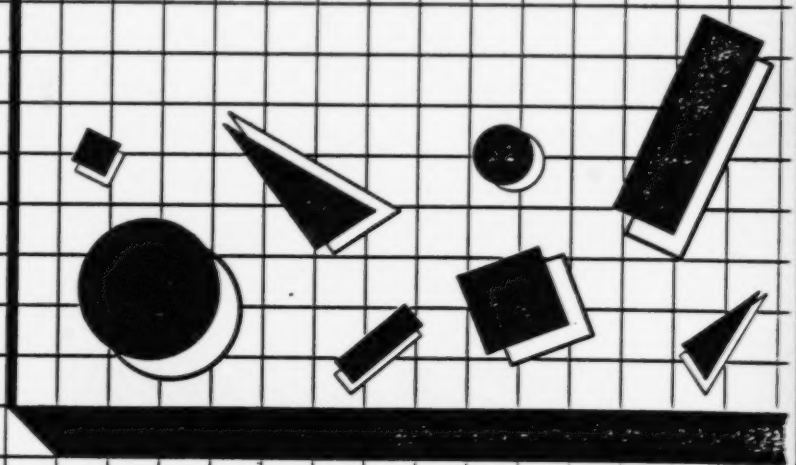
The Board-Superintendent Relationship



The Role of the Board

Introduction

Effective members of a board of education are well informed as to their responsibilities and the manner in which they are best met. The board functions best when there is understanding of its roles, its relationship to its own members, to the superintendent, and to all members of the staff. The board has the responsibility to understand its legal requirements and limitations, its position as it relates to the State Legislature and the constitution, the state board of education, and the state department of education. An understanding of the expectations and temperament of the total community is an asset to board members as they undertake to represent it. Further success comes when board members clearly understand the role of the superintendent and the working relations between the superintendent and the administrative staff.

Establishment of District Policy

Development of Policy A set of written district policies is the guideline and the authority for the district superintendent in carrying out his duties. Policies should be developed with the understanding that they will serve both present and future needs. Policies developed under stress of emergency often fail to fulfill the long-term needs of the district.

Adoption and Amendment of Written Policy Policies should be adopted through a procedure which provides ample time for reactions from the staff and the community, as well as the board. Proposed policies may originate with the professional staff, the administration, the board, or the community. The proposed policy is then presented to the board for consideration and final action. Policies should be checked with legal counsel to verify that they comply with the education code and other laws. District policy should provide for similar procedure for modification as required or desired.

Interpretation and Administration of Policy The superintendent has the responsibility for interpreting the district policies and incorporating such interpretations into a written set of administration procedures, subject to ratification by the board. He has the further responsibility for administering the policies, either personally or by assuring their implementation through assignment to appropriate personnel.

Review of Policies The board should provide for the regular review of district policies. Particular emphasis should be given to the examination of policy where conflict or misapplication has occurred. Care should be taken by the board to clarify any such policy.

Establishment of Effective Board/Superintendent Relations

Board Delegates Administrative Duties to the Superintendent Boards must not confuse policy decision making and administration. Once the board has established guidelines through policy development, it should authorize and support the superintendent's administration of the district within this framework.

Board Advises and Consults with the Superintendent The board should seek the assistance of the superintendent as the chief advisor in gathering information necessary to decisions. The board will be asked to give direction to the superintendent in handling issues which may need clarification beyond the policy statement.

Board Recognizes Professional Growth Other than for pursuit of higher degrees, which is primarily a personal responsibility of the superintendent, the board should give consideration to

the professional growth of the superintendent by providing opportunities and any appropriate financial assistance. Further, the board should encourage both the superintendent and board members to participate in professional organizations, short-term conferences, workshops, and visitations to other school districts.

Board Provides Superintendent Time for Planning The board should expect and require professional leadership from its superintendent. In this role he will need time to think, to plan, and to investigate programs being carried out in other districts.

Establishment of Effective Board/Community Relations

Board Role of Leadership in Community Board members must recognize that they will be looked upon as community leaders. Their individual actions and attitudes, in public and in private, will reflect upon the office and upon the schools. If respect and cooperation are demonstrated in the board's relationships with the superintendent, the staff, and the community, public confidence in the total educational program will be enhanced.

Board Sensitivity to Community Thinking The board must be cognizant of community attitudes and general areas of concern and interest. Care must be taken to keep the public informed of new programs and innovations, activities, and district goals and objectives. Identification and use of those within the community who can assist in furthering educational aims and establishing good community relations can be of immeasurable value to the district.

Board Provision for Two-Way System of Communication The board must also establish open lines of communication through which individuals in the community may convey their ideas and desires to the board. Written policies should be adopted which specifically encourage an effective and mutually beneficial interchange between the community and the board.

Board Establishment of Methods for Receiving Complaints The board should have a policy which provides procedures for handling complaints from parents or community members, in order that such matters will be expedited in a fair and courteous manner. Adequate procedures will also prevent domination or intimidation by pressure groups.

Establishment of Procedures for Board Meetings

Conduct of Board Members As representatives of the public, boards of education are subject to close scrutiny, particularly at board meetings. They are expected to be dignified, well-informed members, who are alert to the wishes of the community, use good judgment, and demonstrate insight and understanding in arriving at decisions. Freedom from prejudice, bias, or commitment to special interests is essential.

Board Meeting Room The board room should be arranged so as to make communication as easy as possible in conducting the district's business. Seating arrangements should allow for optimum communication between board members and staff. Members of the audience are basically observers and as such should be seated clearly apart from the board.

Written Procedures and Agenda It is important that procedures for board meetings be a part of written board policy. Efficient board action usually occurs if such procedures are followed. A complete agenda should be prepared by the superintendent and printed in multiple copies. Board members should receive copies with all supporting data in advance of the meeting.

Role of the Public at Board Meetings Written procedures providing for public participation at board meetings can prevent misunderstanding and problems resulting from dissatisfaction. The public should be heard at board meetings but care must be taken to prevent a single individual or group from disrupting or taking over the meeting and dominating discussion to the exclusion

of the rights of others. Appearances and presentations should be subject to such reasonable limitations as the board may provide in its rules and regulations.

Evaluation of the Superintendent

Systematic Approach to Evaluation Conducted in an objective and helpful way, periodic evaluations of the superintendent will be beneficial to all concerned. The board may wish to use prepared evaluation forms or checklists and should make such evaluations annually.

Evaluation of Management of District and Educational Program Concurrently with the evaluation of the superintendent, the board should evaluate the educational program as a means of measuring the quality of the leadership and management skills of the superintendent. Evaluation will be discussed further in Chapter IV.

Role of the Superintendent

Introduction

One of the most complex of public administrative positions in modern-day organizations, namely, that of the superintendent of schools, reflects the complicated nature of the public schools in present-day America. Few positions, in or out of the public sector, demand the daily employment of knowledge from as wide a span of disciplines, in addition to the usual administrative activities of planning, financing, hiring and developing personnel, and public relations.

The role of the superintendent, while complex, is also one which is limited in many ways, particularly by the Legislature and by the latter's local extension of authority, the school board. The discussion which follows is focused on those general aspects of the superintendent's role which highlight the role itself, and is intended to suggest the opportunities of the position without an over-emphasis on the limitations.

Executive Officer of the Board

Serves as Advisor to the Board The superintendent is responsible for ascertaining and assessing current practices, methods and materials, and experimental practices in other school districts as well as in his own. As advisor to the board, he should analyze and cause this information to be presented to the board whenever appropriate. Other pertinent information, in any area, should be channeled to the board automatically or upon request.

Superintendent's Office Prepares Agenda The superintendent is responsible for the preparation of the agenda in association with the board president.

Implements Policy The superintendent assists the board in formulating policies and then prepares a set of written regulations implementing these policies. He then delegates, supervises, and otherwise directs the staff in carrying out the district policies and regulations. It is good procedure to prepare and distribute a staff handbook, which outlines policies, regulations, and suggested procedures.

Educational Leader of the School System

Responsibility for Educational Program The educational program of the district is the chief concern of the superintendent. As the educational leader of the district he should continuously develop and expand its programs and keep the board fully informed of status, progress, and developments in this vital area.

Inclusion of the Staff in Planning and Evaluating He recognizes the need for including the professional staff in curriculum development and improvement, and provides encouragement, direction and opportunity for their full participation.

Provides Community Representation for the Public Schools He takes part in public affairs, in both school and non-school activities, and encourages his staff to become active in the community. If he has broad and direct contacts, he is able to assist materially in interpreting the schools to the community.

Public Relations and Community Contacts

Establishes Good Lines of Communication in the Community The superintendent establishes a good working relationship with all news media. He provides other methods necessary to ascertain the thinking of the community and its wishes and then relays this information to the board.

Knows and Works with Community Leaders Maintaining good community relations requires a knowledge of the groups or individuals who are the leaders of the community, and those who will assist in the promotion and support of the public schools. The superintendent must maintain contacts sufficient to keep in touch with these leaders and to be informed of public opinion.

Personnel Practices and Staff Organization

Screens Applicants and Makes Recommendations to the Board It is the administrative staff that is best qualified to nominate and recommend personnel for employment. The superintendent is directly responsible for all nominations, while the board of education, by law, hires all district personnel.

Provides for Professional Growth of Staff It is the superintendent's responsibility to review the professional growth of the staff members and to recommend programs for inservice training and other improvement.

Provides for Sound Evaluation Practices The superintendent is responsible for the development of sound evaluation procedures for the staff. His recommendations for retention or dismissal must be supported by accurate and adequate records and techniques.

Works with Employee Organizations He is responsible for good working relationships with the total staff and maintains lines of communication with employee groups.

Professional Growth and Time for Planning

Agreement with Board for Need for Professional Growth The superintendent should present his personal program of professional growth to the board to enable it to understand adequately his objectives.

Evaluation of the Superintendent The superintendent should encourage the board to develop a procedure for evaluation of his performance as the district's educational leader.

Free Time to Plan and to Visit Other Districts Planning and research are time-consuming and the superintendent should arrange for sufficient time allotments for this. He should periodically visit other school districts, particularly those facing similar problems and those using the latest and best in theory and methodology. It is suggested that board members may profitably join the superintendent occasionally in such visitations.

Membership in Professional Associations The superintendent should maintain active membership in appropriate professional organizations as a means of continuing inservice professional growth and liaison with fellow administrators. The board should permit attendance at meetings and conferences of these associations.

Consideration to Personal Development The superintendent should seek to develop and maintain skills which are necessary to his office. These include the skill of persuasion and the art of listening, the ability to write with precision and clarity, and the practice of speaking with conviction in a concise and relaxed manner. Communication skills are of utmost importance. He should also be able to confront all issues with courage and conviction.

Business Practices

Budget Preparation and Accounting The superintendent is responsible for the preparation of the district's budget and for its presentation to the board for adoption. He is also responsible for all expenditures and the establishment of a control system for purchasing and accounting, in accordance with the requirements of state regulations and local board policy.

Control of Physical Plant and Equipment The superintendent is responsible for the condition of school facilities, all equipment, and the transportation units. He must insure competent help to report on conditions in each area and provide for a sound maintenance system. The superintendent must provide for the preparation and maintenance of a continuing safety program for all persons concerned or included in the district's activities. This will include employees and students, as well as any person on school premises. The suggestions above, however, do not include all legal requirements of which the superintendent must be aware.

Planning for the Future

The superintendent must develop and maintain plans and programs for the future in each of the foregoing areas.

Guidelines and Procedures
For Effective Board/Superintendent Relations

Introduction

A harmonious working relationship between the board and the superintendent is essential to a well-directed school system. Such a relationship is based on mutual respect, understanding, confidence and dedication to similar educational goals. Some degree of understanding these essentials should be determined at the time a superintendent is selected. Once having hired a superintendent, the board shares in the responsibility for his success. A change in superintendents ordinarily results in a temporary loss of efficiency in the district and a loss of its investment in the experience the superintendent has gained in working with the local community and its schools.

This section covers the working relations between the board and the superintendent and is presented as a series of suggestions. Obviously it is impossible to anticipate every problem which may arise. Therefore, the following represents suggestions and guidelines which may prove valuable as a point of departure when applied to specific cases.

General Administration

Since administration is a primary responsibility of the superintendent, it is suggested to the *board* that:

1. Every effort be made to provide the greatest latitude for the superintendent to implement board policies.
2. Policies, instructions, directions, and expectations should be clearly defined and consistently referred to the superintendent for execution.
3. When the implementation of board policy or administrative practices appears to deviate from board intention or expectation, an immediate opportunity for explanation should be arranged.
4. Complaints or derogatory remarks about the superintendent to board members, either of a personal nature or of his administrative practices, should be received courteously even though not solicited or encouraged. However, the demeanor of board members should be such that their courtesy will not be construed to indicate a lack of support for the superintendent. When such complaints are of a serious nature, the individual should be requested to present the complaint in writing for consideration and final analysis by the board as a whole.
5. Every reasonable means of communication should be employed between the board and the superintendent to insure free and complete interchange of information appropriate to intelligent action.
6. Any member who finds it necessary or expedient, as an individual, to discuss with the superintendent a subject pertaining to the schools or within board jurisdiction should understand that the same information should be available to all board members.
7. A summary of significant discussions should be written in order to establish the substance of what was said.
8. Administration of the schools can be aided materially by a board policy which provides for and encourages easy access to the superintendent, with participation and involvement of

the staff and public. Comments, favorable and unfavorable, should be received in writing and referred through the proper channels.

9. There should be established grievance procedures which have been approved by the board.

Since successful administration of policy and effective professional leadership is dependent upon sound, responsible, firm support by the board, it is suggested to the *superintendent* that:

1. Professional leadership requires consistent attention to the educational well-being of the district. This includes matters of scope, detail, and superintendent/board relationships.
2. Open and frequent communication, formal and informal, is essential to good administration.
3. A written summary of all significant points of any discussion should be prepared immediately in order to establish the substance of what was said and to assure accuracy. Copies of this summary should be made available to all participants.
4. Ample discussion with the board prior to the publication of an administrative directive on board policy should increase its clarity and reduce the possibility of misunderstanding.
5. Periodic informational reports to the board, appropriately illustrated with charts, drawings, or photographs, are conducive to sustained interest, thorough knowledge, and intelligent subsequent action on the part of the board.
6. Alertness in anticipating problems constitutes the best insurance against misunderstanding between the board and the superintendent.

Personnel

It is suggested to the *board members* that:

1. Personnel procedures should be clearly established so that the board and superintendent will understand their respective roles.
2. The sensitive nature of personnel problems requires careful observance of established policies, procedures, and protocol by the board members.
3. Administrative appointments should be considered and made in executive session and treated as confidential until officially approved by the board for release according to established procedures and statute.
4. Recommendations for staff positions received from the superintendent should be acted upon promptly. Such action may take the form of partial or final acceptance, resubmission for further study, or rejection. In the event of rejection a new recommendation should be requested.
5. Personnel items which require the approval of the board should be dealt with as regular business in open board meetings. However, personnel items of a sensitive or individual nature should be discussed in executive session and not before the public.

It is suggested to the *superintendent* that:

1. He should be mindful of his responsibility as the liaison between the board and all personnel to maintain high standards of professional conduct through detailed, written policies, accepted procedures, and attention to protocol.
2. He should prepare recommendations for administrative staff appointments in writing, with supporting data, and present them in executive session. It is suggested that the superintendent may find it helpful to inform the board at an early date regarding key personnel recommendations, providing opportunity for board reaction prior to final action.
3. He should remember the distinction in responsibilities involving personnel procedures, namely, that the superintendent recommends while the board elects.

4. It is considered poor practice for a superintendent to inform a candidate that he will be the sole candidate recommended by him to the board.
5. He should notify all candidates, when authorized, of official board action concerning them, *before* the information is released to the public.

Ethics and Interpersonal Relations

It is well to remember that all persons, professional and lay, are subject to the rules of ethical conduct. Such conduct tends to minimize emotional and irrational behavior.

It is suggested to the *board* that:

1. As representatives of the people, board members have an obligation to conduct themselves at all times in a manner worthy of this trust.
2. Board members should accept the decisions of the majority of the board, even though such decisions are contrary to their personal opinions. Modification of such decisions should be sought by dissenting members by reopening the matter only with the board.
3. All recommendations from the superintendent should be treated as professional matters, submitted by the board's officially designated advisor, free from emotional involvement and personality differences.
4. Criticism of the superintendent, of instructional programs, of staff members, or of other board members, should be offered in terms of suggestions or constructive comment, rather than in negative terms.
5. No board member should attempt to take advantage of his position by soliciting unilateral action by the superintendent.
6. Any request presented to the superintendent by a board member should be within the scope and limitations of established procedures.
7. Interpersonal relations are strengthened if, when the board discovers that a position is in error or is the result of a misunderstanding, it promptly corrects same.

Because desirable interpersonal relations are indispensable to sound administration, and because they are enhanced by free, frank, and reciprocal discussion, it is suggested to the *superintendent* that:

1. He should demonstrate sufficient confidence in the board to feel free to approach the board about any matter.
2. He should remain impartial toward the board, treating all members alike, and should refrain from criticism of individual members or of the group.
3. He should feel free to maintain his opposition to matters under discussion until an official decision has been reached. Even though the decision is contrary to his view, he will thereafter support the board's action while he remains in its employ.
4. He should provide each board member, in advance of the meeting, with information and data pertinent to subjects or individuals scheduled to come before the board for consideration.
5. He should refrain from campaigning in board elections or recall proceedings.
6. Other concurrent employment should also be cleared unless provided for in the contract between the board and the superintendent.

Board Meetings

Successful meetings are characterized by careful planning, strong and knowledgeable leadership,

and strict adherence to established procedures.

It is suggested to the *board* that:

1. Prior to each meeting each board member should review all agenda items and supporting data.
2. Board members should refrain from introducing new agenda items for action at a meeting when no previous notification has been given. Rather, the item ordinarily should be presented with the request that it be considered at a succeeding meeting.
3. Making a practice of holding over controversial matters for further study should be avoided.
4. Care should be used in criticizing a staff recommendation so that there is no implication of criticism of the person making the recommendation.

It is suggested to the *superintendent* that:

1. Each board member should be provided with an agenda and all pertinent materials prior to each meeting.
2. He should alert board members in advance to items when it is anticipated that an adverse public reaction is expected.
3. He should make recommendations on all agenda items where action is required. These recommendations and all information pertinent to the action to be taken should be furnished to the board prior to the discussion and the vote.
4. Controversial, complex, or complicated matters listed as agenda items should ordinarily be submitted for a first reading only, with final action taken at a subsequent meeting. At a regular meeting of the board of education, action may be taken on items not specifically noted on the agenda, if the need for such action was not known until the time of the meeting. Normally the board would want full supporting data and time for study before action.
5. In making his recommendations he should refrain from placing himself in a position where an adverse vote would impair his ability to carry out the action of the board.

Guidelines for Evaluating a Superintendent

Introduction

It must be remembered that much of the work of the superintendent is circumscribed by the policies of the board of education, the manner in which the board works and the resources available to the board and the district. Conversely, the effectiveness of the board is greatly affected by the quality of the work of the superintendent.

Therefore, much of the section on the evaluation of the superintendent might be looked upon as an evaluation of the joint responsibilities of the board and the superintendent.

The manner in which these guidelines will be used will vary from district to district. These may assist school boards and superintendents in establishing their own procedure. A face-to-face discussion is probably the best procedure whether it takes place between the president of the board and the superintendent after the president has discussed the matter with the other members or at a meeting of the board as a whole and the superintendent. It is doubtful that such a procedure would be fruitful in a public meeting.

The responsibilities of a superintendent are very broad so a number of main headings have been given with a series of statements indicative of the items with which the heading deals.

Status of the District

Organization for the Administration of the School System

1. A plan for the administrative organization and structure of the entire school district has been devised which shows lines of responsibility and relationships. It provides for present and future needs of the district, and the board, superintendent, and staff are well informed concerning it.
2. There is a written statement which outlines the expectations of the board in regard to the role of the superintendent in relation to staff, community, and instructional program.
3. A policy exists which provides for consideration of promotion of personnel within the district as well as recruiting from outside the district.
4. The roles and responsibilities of staff members have been outlined.
5. The present administrative assignments encourage harmonious relationships among various segments of the school system.
6. The superintendent holds regularly scheduled meetings with his administrative staff.
7. The superintendent has made provision for direct two-way communication with staff.
8. A detailed budget is provided for the administration and supervision of the entire staff.
9. Provision is made for periodic evaluation of the administrative and supervisory staff.
10. Teachers' assignments to grade and/or subject matter are based upon their competency to instruct at the assigned grade level and/or particular subject field.
11. Custodial and maintenance staff exist for the maintenance of school facilities as part of the environment conducive to learning.
12. The business function of the district is performed by qualified personnel.

Curricula and Instructional Methods

1. Written board policy exists as to the goals of the educational philosophy of the district and

the public has been informed regarding these objectives.

2. Time is provided at board meetings for the discussion of the instructional program.
3. There is a plan for keeping the community informed concerning the program of instruction and plans for its improvement.
4. The superintendent takes an active leadership role in the development and improvement of the program of instruction.
5. Provision is made for staff involvement in the continuous development and improvement of the program of instruction.
6. The budget makes provision for the improvement of the educational program through:
   a. Provision of supplies and instructional aids.
   b. Teacher participation in curriculum revision by released time and/or compensation for extra time spent.
   c. Provision for instituting pilot studies of experimental courses and new teaching techniques.
   d. Provision of consultant services, when necessary.
   e. Provision for library services.
7. Written board policy exists on the subject of:
   a. Educational philosophy, goals, and objectives.
   b. Teaching of controversial issues.
   c. The selection of instructional materials.
   d. The review of instructional materials the use of which has been questioned by any individual or group.
   e. Evaluation of curricula on a periodic basis.
8. Provision is made for the continuous appraisal and evaluation of the instructional program in terms of the district's goals and objectives through use of some of the following methods:
   a. A testing program which measures pupil achievement with respect to individual abilities and needs as well as against local, state, and national norms.
   b. Accreditation of individual school by accreditation services.
   c. Professional consultants from outside the district.
   d. Reports on graduates' performances.
   e. Analysis of drop-out rates and causes.
9. Provision is made for improving the quality of teaching through:
   a. Analysis of the district's ability to recruit teachers.
   b. Analysis of the ability of the district to retain teachers.
   c. Analysis of the reasons for teacher turnover.
   d. Analysis of teacher assignment in conformance with competency.
   e. Provision for inservice training of staff.
   f. Recognition of outstanding teacher performance by outside agencies.
10. There is a planned program to effect coordination of the instructional program among various grade levels and among elementary, high school, and college levels.

Employee and Pupil Personnel Services

1. Written policy exists concerning:
   a. Salary increases and withholding of increases.
   b. Leaves of absence.
   c. Attendance at educational conferences.
   d. Evaluation of performance.
2. Board policies are readily available to all members of the staff.
3. Communication has been established between the superintendent and all employees.
4. Provision is made for the complaints of employees to be heard and subsequent action to be taken.
5. Employee representation is encouraged and welcomed at board meetings.
6. Written personnel records are kept for all members of the staff.
7. Pupil personnel services are provided for all students and complete and usable permanent records are kept in the areas of:
   a. Attendance and welfare.
   b. Counseling and guidance.
   c. Health.
   d. Testing programs—individual ability, achievement, vocational aptitude.

Personnel—The Superintendent:

1. Has organized an active program for personnel recruitment that ranges beyond the immediate area as far as is necessary to provide a competent, well-balanced staff.
2. Has provided for a thorough check of the references of all likely candidates for vacancies or prospective vacancies.
3. Interviews top applicants for key positions, such as principals or assistant superintendents, before recommending them to the board for appointment.
4. Recommends for employment the best candidate without regard to race, creed, sex, or national origin.
5. Arranges for the systematic evaluation of all non-tenured teachers according to New Jersey State Board of Education rules and regulations.
6. Arranges for the systematic evaluation of tenured teachers by responsible administrators.
7. Provides advice and assistance and a reasonable opportunity for improvement to all teachers receiving an unsatisfactory evaluation.
8. Recommends, in accordance with the law, dismissal of any employee, tenured or probationary, who has been evaluated as unsatisfactory after the employee has been given assistance and an opportunity to improve but still fails to meet the standards of the district.
9. Arranges for a written record of the job performance of every teacher who leaves the system to be placed in the file to be used as the basis for an official resource for reference requests.
10. Provides a program for continuing growth and professional development of teachers and principals.
11. Supports his staff while demanding their best efforts.
12. Accepts ultimate responsibility for the staff's decisions and performance.

13. Provides training for new leaders to replace principals and other key staff members who may retire or leave for any cause.
14. Has the confidence and respect of his staff.
15. Avoids frequent overriding of subordinates.
16. Provides for the systematic evaluation of all principals, other administrators and non-teaching professionals by appropriate administrators.
17. Meets regularly with principals and other key administrators.
18. Makes himself available to staff and private citizens alike within the limitations imposed by his complex duties.
19. Has engendered a team spirit among the staff in their approach to educational problems.

School Plant Planning and Management

1. School facilities are adequate to meet student enrollment and to provide an environment conducive to learning.
2. There is evidence of long-range planning for new sites and facilities where needed.
3. A plan has been developed to cope with enrollment decline if projected for the district.
4. Recognition has been given to the need for sufficient administrative personnel to keep abreast of the changes taking place in school design and construction in accordance with the educational needs of the district.
5. Educational specifications are prepared by the district staff in accordance with the educational philosophy of the district and the policies of the board.
6. The staff is involved in the plans for new facilities.
7. School plants are well maintained by the staff.
8. School plants are efficiently used by the staff.
9. There is a planned long-range program of preventive maintenance.

Business and Financial Management

1. The business functions of the district are efficiently managed.
   a. The purchase and delivery of supplies is efficient and provides materials for instruction and plant maintenance when needed.
   b. Accounting procedures are in line with recommended accounting practices.
   c. Control over expenditures is safeguarded.
      (1) Funds of the district are committed only by the board of education.
      (2) A system of requisitions and purchase orders is used for all purchasing.
      (3) Information regarding the system is made available to all employees and no deviation from the established procedure is allowed.
2. Management of the business affairs of the district is directed toward serving rather than controlling the instructional program.
3. The budget is planned in terms of educational priorities.
4. Expenditures for unbudgeted items are authorized only after a review of total expenditures and other unmet needs.
5. The budget is presented to the board in a manner which promotes its full understanding.
6. The superintendent makes full use of the teachers and other staff members in developing pertinent budget items.

7. The superintendent shares with the board his own priorities on various budget items and amounts.
8. The superintendent provides the board with reports on the operating budget accounts.

Community Relationships

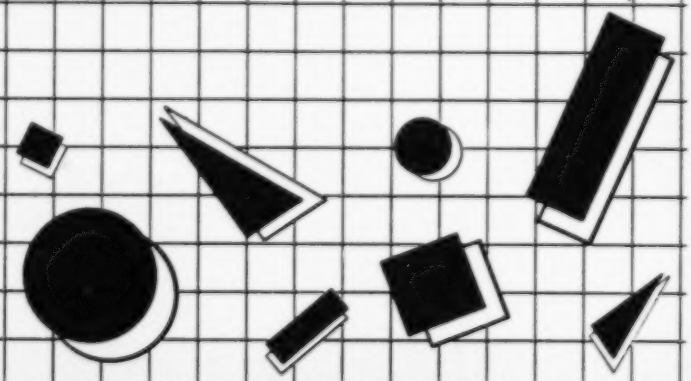
1. Written board policy:
   a. Governs the relationship of board and staff with mass media—newspapers, television, radio.
   b. Designates who shall be spokesman for the district.
   c. Encourages checking of facts with the district and district cooperation to make all facts available.
2. A planned program to improve school-community relations is in effect, including such things as:
   a. Newsletters or bulletins for parents.
   b. School programs and exhibits.
   c. Speeches before community groups.
   d. Citizen involvement in study of specific school problems.
   e. Regularly scheduled reports by the staff at board meetings on various aspects of the instructional program.
   f. A cooperative relationship with news media.
   g. Cooperation with other community agencies such as the planning commission, city council, family service agency, etc.
3. Written board policy outlines the channeling of complaints, criticisms, and concerns of the community for study and action.

Superintendent's Administration of the School District

1. As an administrator, the superintendent:
   a. Distinguishes between prime problems and trivialities.
   b. Plans his own time so that matters of greatest importance are dealt with thoroughly.
   c. Has organized the staff so that appropriate decision making may take place at various levels as contrasted with most decisions being made at the superintendent's level.
   d. Periodically reviews and reorganizes staff duties and/or responsibilities to take full advantage of the staff's special competencies.
   e. Has encouraged systemization such that all significant activities or duties are performed regularly or administered promptly.
   f. Encourages research and creativity among employees.
   g. Informs the board and general public in an annual report or in a series of reports of the state of the public schools.
   h. Provides the board with a written agenda at least two days before each board meeting.

Adapted from THE SUPERINTENDENT/BOARD RELATIONSHIP (April, 1972) Published by California School Boards Association, Association of California School Administrators

What's the Question?
How to Get the Answers to Curriculum Issues



In making decisions about administrative recommendations regarding curriculum, knowing the right questions to ask can be the most important part of a board's information gathering process. The answers to their questions will form the basis of their deliberations. Background material supporting the answers can also help the board explain and clarify their decisions to the public.

Some information is basic to all curriculum recommendations. At a minimum, the chief school administrator should give the board:

- a statement of district educational goals and objectives that the recommended program is designed to meet or improve, if the program is a revision;
- a statement on how the course, if a revision, improves upon the old course now in use;
- the cost of the new program or revision, including personnel and materials, and whether this is within budget allotments;
- the evaluative criteria to be used to measure pupil progress under the course;
- the timelines for such evaluations to be completed and the results brought to the board for review.

Listed below are some questions which board members might ask to elicit the above information. The list is not intended to be all-encompassing. Other questions may occur to you. Nor should all of the questions be asked about every curriculum item. Questions will be relevant at different times for different issues. The important thing is for board members to ask those questions which will provide them with the answers they need to make informed, intelligent curriculum decisions.

Content

- Upon which district instructional goals is this curriculum program based?
- Which objectives implementing these goals does the program fulfill?
- Why are existing programs not meeting these objectives?
- Does the curriculum program cover all of the areas in which we are interested? If not, can any gaps be easily filled with other materials?
- Is the content presented at an appropriate level of difficulty for the grade/ability level of the pupils who will be using the program?
- Is the program acceptable for use by pupils from all racial, religious, or national origin groups? Are materials free of any sexual, class, cultural, or racial bias?

Instructional Approach

- Does the methodology support the curriculum philosophy or learning theories accepted in our district?
- Will pupils be regularly provided with information on how well they are doing?
- Is it possible for pupils to begin at different points in the program?
- Can pupils progress at their own pace through the program?
- Will pupils have opportunities to apply what they have learned?

Budget Implications

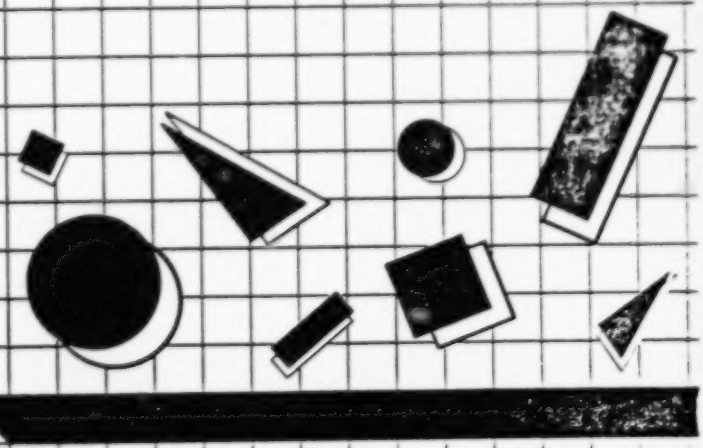
- What additional planning, training and support will staff members need before they can effectively use the program? What will be the cost of such inservice training?
- What additional equipment and/or materials will be necessary to effectively implement the program? What will be the cost of such equipment and materials?

- Will existing facilities need to be modified in order for the program to be effectively implemented? What will be the cost of any such modifications?
- Will any change in staff organization be needed in order to effectively implement the program? Will additional personnel need to be hired? What will be the costs of such reassignments or hiring?
- Will monies already in the budget cover start-up costs? What are the costs over the next five years, aside from the start-up costs?

Evaluation

- Are the program authors respected in their field?
- Have any evaluation studies of the program been published? Was the program evaluated in a setting similar to our own? What were the findings?
- Have other school districts in New Jersey used this program successfully?
- What evaluative criteria have been developed to use in determining whether the program has met its objectives at the end of a year? How will we know whether our students have learned what we expect them to learn from the program?

Textbook Approval



18A:34-1

Textbooks; selection; furnished free with supplies; appropriations

Textbooks shall be selected by the recorded roll call majority vote of the full membership of the board of education of the district and they and other school supplies shall be furnished free of cost for use by all pupils in the public schools and money therefore shall be appropriated and raised annually in each school district in the same manner as other school moneys are appropriated and raised in the district.

The following Textbook Adoption Procedure is one district's way of fulfilling the statutory mandate above. Their procedure, however, should be read in the broader context of curriculum development and evaluation.

Along with supplemental materials and media supplies, books are the base upon which a curriculum is built. Board of education approval of textbooks should not be done in a vacuum. A thorough, well-thought-out procedure will go a long way toward keeping board members familiar with the various curricula in their schools. It will also facilitate evaluation of these curricula and provide the information with which to make decisions on administrative recommendations.

Textbook Adoption Procedure
Parsippany-Troy Hills Township Schools

Introduction

The evaluation and adoption of textbooks is one of the school system's most important tasks. The proliferation of available materials, intense marketing pressure and potential for challenge make it advisable to have a well defined procedure for the board of education's approval of textbooks.

This document sets forth a procedure which calls for participation by staff, the board of education and the community. It also designates who is responsible and involved at the various phases of the process. Criteria for the selection of textbooks and recommendations for committee organization are also included.

This procedure will offer a thorough and efficient way to insure that appropriate textbooks are selected for the Parsippany-Troy Hills Township School System and provide an opportunity for the board of education and community to participate and be fully informed.

The Process

There are several steps in the process of adopting textbooks. The following diagram outlines the steps and indicates who is involved at each juncture. A detailed discussion of each step offers guidelines, organizational recommendations and regulations.

IDENTIFICATION

Standing Committees

Teachers

Supervisors

Administrators

Parents

EVALUATION

Central Curriculum Planning Committee
Textbook Evaluation Committees

Supervisors

Teachers

Administrators

Parents

Students

RECOMMENDATION

Textbook Evaluation Committees

Directors of Elementary & Secondary Education

Superintendent

ADOPTION

Superintendent

Board of Education

Identification of Textbooks

There are many sources for identifying textbooks. Vendors, publishers, catalogs, professional journals, periodicals, advertisements, workshops, book fairs, parents, consultants and teacher recommendations are some of the sources for initial identification.

The program area supervisor(s) and standing committees should take the initiative in the identification of materials for evaluation. However, individual teachers, administrators, students and specialists should all be encouraged to identify textbooks for consideration.

Activities

- Scan advertisements
- Review catalogs of major publishers
- Arrange for previews
- Consult with colleagues
- Determine needs for specific textbooks and search for appropriate materials
- Send questionnaires to teachers and administrators for specific suggestions
- Send questionnaires to staff on a regular basis for general input
- Arrange for regular appointments with sales representatives
- Obtain complimentary copies of textbooks for specific courses

Evaluation

The respective directors of elementary and secondary education shall monitor the organization and scheduling of the textbook evaluation committees.

It is axiomatic that a representative group of those who will use the textbooks be involved in their evaluation. Teachers should make up the largest single representative group on each evaluation committee. Parents should also be invited to participate. Student involvement at the high school level is encouraged.

Activities

- Form evaluation committees
- Choose chairperson
- Review textbooks
- Hear selected book representatives
- Make initial recommendation
- Have staff react to initial recommendation
- Prepare committee evaluation report

Recommendation

The Textbook Evaluation Committees shall have the responsibility for the final recommendation to the superintendent (or his designee). Recommendations shall be made via the directors of elementary and secondary education respectively. All necessary supporting documentation shall be part of the recommendation.

Activities

- Poll evaluation committees
- Make initial recommendation

- Circulate proposed textbook(s) among staff members
- Receive and review reaction from staff
- Make final recommendation, preferably by consensus, but by vote if necessary
- Submit final recommendation to superintendent as outlined above

Adoption

The board of education shall have the responsibility for the adoption of a textbook on the recommendation of the superintendent.

Activities

- Superintendent receives Textbook Evaluation Committee's final recommendation
- Superintendent certifies that all procedures have been followed
- Superintendent verifies that sufficient funds are in budget to cover costs
- Superintendent acts on recommendation. If positive, he/she recommends adoption to the board of education
- Board acts on recommendation. If positive, board verifies that funds are available and authorizes expenditure. Board may ask for presentation from Textbook Evaluation Committee.
- CCPC* certifies that teacher participation has been accomplished

Timelines

Every Five Years Textbooks in each program area are considered for adoption. To ensure an orderly consideration of all program areas, the following five-year cycle shall be followed.

Year Prior to Adoption Study Year Program areas for which new textbooks are to be considered are assessed with respect to current status, philosophy, goals, objectives, content. The board of education is apprised of impending changes and establishes policies and guidelines as it deems necessary prior to any other steps in the adoption process. All the above become criteria in the evaluation process.

Teachers in program area are polled to determine if new textbooks should be considered. Examination copies of textbooks are ordered for availability in September. Evaluation committee chairperson to be selected prior to end of school year.

Textbook evaluation committee is formed and organizational meeting held. There shall be a separate evaluation committee for each textbook under consideration.

Year of Adoption Study

September	Evaluation committee discusses curriculum goals and objectives, identifies needs for materials, and cooperatively develops criteria based on needs to be used in evaluating materials.
October	Sample textbooks are obtained from publishers' representatives.
November/ December	Evaluation committee examines sample materials to determine those which meet identified needs and those which are to receive further study. Textbook appropriations put in budget.
January	Scheduled meeting with publishers to be held in January. Evaluation committee may ask publishers' representatives for additional books or explanations

*Central Curriculum Planning Committee

	about materials. Board's curriculum committee reviews textbooks under consideration. Evaluation committee makes preliminary recommendation.
February	Evaluation committee members review preliminary recommendation with their building faculties.
March	Evaluation committee makes final recommendation and sends to appropriate director. Directors review evaluations and forward recommendation to superintendent via assistant superintendent—planning.
April	On recommendation of superintendent, board reviews and adopts textbooks. Teachers' editions ordered for immediate delivery.
May	Textbooks are ordered for delivery by September.

Organization of Textbook Evaluation Committees

The assistant superintendent—planning shall establish the textbook evaluation committees according to the guidelines set forth below and subject to final approval by the superintendent.

Evaluation committees shall be composed of teachers, administrators, supervisors, as well as parents and students where appropriate.

Committee members shall be chosen as follows:

Teachers—By the appropriate standing committee of the CCPC. At the elementary level, there shall be at least one teacher from each school, including at least one from each affected course or subject. The number of teachers shall at least equal the number of administrators and supervisors combined.

Administrators and Supervisors—By the directors of elementary and secondary education, respectively.

Parents—By the board of education or its designee. There shall be no more than two parents on any committee.

Students—By the student organization at the secondary level. There shall be no more than two students on any committee.

Vacancies due to a shift in grade or subject assignment or transfer shall be filled in the same manner as provided above.

The assistant superintendent—planning shall submit the list of committee members to the superintendent of schools for his/her approval. The approved list of committee members shall be distributed to all administrators, appropriate teaching staff, and committee members.

Chairpersons of the committees shall be appointed by the respective directors of elementary and secondary education on the recommendation of the CCPC.

The same procedure for the selection of textbooks shall be used at all grade levels and in all program areas.

Committees shall function on a system-wide basis.

Subcommittees appointed to evaluate materials within a given program area shall report their findings to their evaluation committee for final review and action.

After due consideration of an appropriate sampling of textbooks, the evaluation committee shall make a tentative recommendation. Prior to finalizing this recommendation, the proposed textbooks shall be circulated widely among staff who will be using them. After receiving staff reaction, the committee shall then make its final recommendation to the superintendent via the respective directors of elementary and secondary education. The final recommendation shall be fully documented.

Responsibilities

Board of Education

- Approve the creation of specific textbook evaluation committees with the understanding that adequate funding will be available.
- Appoint parent representatives to textbook evaluation committee(s).
- Formally review and adopt textbooks on recommendation of superintendent.
- Budget adequate funds to purchase textbooks approved.

Superintendent

- Give final approval to staff membership on evaluation committees.
- Receive final recommendations of textbook evaluation committees from the respective directors of elementary and secondary education.
- Make recommendation to board of education for adoption.
- Ensure that adequate funds are recommended in school district budget.

Assistant Superintendent (Planning & Evaluation)

- Ensure that process, timelines, and recommendations are in progress according to the established cycle.
- Provide clerical services as needed.
- Ensure that adequate funds are budgeted to carry out the evaluation process.
- Provide resources needed for committees to complete final recommendations.
- Prepare adoption calendar by April 30 of school year prior to adoption study year.
- Initiate committee membership according to the procedures established, submit name to superintendent for final approval, and distribute committee rosters to all staff.

Directors of Elementary and Secondary Education

- Appoint chairperson of each textbook evaluation committee on the recommendation of the CCPC.
- Ensure that each textbook evaluation committee is formed and ready to function by September of the adoption study year.
- Maintain updated catalogs from publishing companies. Acquire preview copies as needed.
- Maintain liaison with committee chairpersons to ensure that committees are functioning.
- If no teacher accepts chairperson position as recommended by the CCPC, appoint chairperson of committee.

Central Curriculum Planning Committee

- Appoint teacher representatives to textbook evaluation committee via standing committee.
- Survey staff year prior to adoption study to determine if staff thinks a new adoption should be recommended.
- Recommend teacher as chairperson of each committee. If no teacher accepts, the respective directors are to appoint chairperson.
- As part of final recommendation, certify to appropriate involvement in evaluation and recommendation by staff, parents, and students.

Textbook Evaluation Committee Members

- Attend committee meetings.

- Assist in the identification of program goals, objectives, criteria and needed instructional materials.
- Review materials furnished by textbook representatives.
- Study all submitted materials carefully. Secure reactions from colleagues who will be expected to use materials.
- Circulate recommended textbooks among building staff members.
- Complete evaluation of material and submit to chairperson, giving rationale for selection or rejection.
- Consider ways of familiarizing all teachers in the represented adoption areas with the newly adopted materials. When recommending materials for adoption, it is hoped that each evaluation committee will indicate their suggestions for presenting the new materials to teachers in that subject. This might be done through a bulletin or by having someone from the evaluation committee appear before a meeting of the teachers.

Chairperson, Textbook Evaluation Committee

- Call and chair all committee meetings.
- Keep roster and attendance record of committee members.
- Explore with committee members recent changes in subject field, help them identify program objectives, and develop written criteria against which materials must be judged.
- Consult with director(s) on sample textbooks to be reviewed.
- Furnish to appropriate director a list of materials to be reviewed. Timely notice must be given.
- Two weeks prior to final recommendation date, submit to appropriate director the following information:
  a. Date, time and location of meeting.
  b. List of materials under consideration.
  c. List of evaluative materials needed.
- Submit to appropriate director the committee's final recommendations. The recommendations shall be in writing, signed by the chairperson, and show which members participated in the recommendation.

Evaluation Form and Criteria

The form and criteria shown in the Appendix are general forms to be used by all textbook evaluation committees. Each committee may choose an additional form and criteria appropriate for the textbook under consideration.

APPENDIX

Textbook Evaluation Form

Title _____

Author or Editor _____

Publisher _____

Copyright Date _____ Latest Revision Date _____ List Price _____

This book is recommended for use in Grade _____ Subject Area _____

With students of (Circle One) High Average Low Reading Achievement.

Listed below are important items to consider in evaluating a book for student use. In column opposite each item is recorded the judgment of the person whose responsibility it has been to study and evaluate this book.

CONTENT AND METHOD	Excellent	Good	Poor	Comment
1. Contribution to intelligent thinking				
2. Appeal to students				
3. Relation to course of study				
4. Organization:				
Arrangement type				
Development of ideas				
Paragraph & sentence structure				
Chapter's marginal headings				
Summaries				
Provisions for review				
Drills and tests				
Aids				
Table of contents				
Suggestions for teachers & students				
Index				
Bibliography (if appropriate)				
Appendix				
5. Style of writing				
6. Vocabulary (reading level)				

PHYSICAL FEATURES	Excellent	Good	Poor	Comment
1. General attractiveness				
2. Size of book				
3. Quality of paper				
4. Typeface				
5. Binding				
Durability				
Color & design				
6. Page arrangement				
7. Illustrations				
TREATMENT OF GROUPS				
1. Treatment of minorities				
2. Treatment of women				

SUMMARY COMMENTS

Ranking:

Top _____

Above Average _____

Average _____

Below Average _____

Inadequate _____

Evaluation submitted by: _____

Date: _____

Explanation of Terms for Textbook Evaluation

Content & Method

1. **Contribution to intelligent thinking**—Ideas significant for society. Data accurate, adequate, and stimulating.
2. **Appeal to students**—Content good for the age group, interests, and experience of the students.
3. **Relation to course of study**—Helpful and complete in realizing the objectives as stated in the Course of Study and/or Goals and Sequence Agreements.
4. **Organization**

   Arrangement—content is well organized. Some definite arrangement is consistently followed; i.e., chronological sequence, topics, problems, unit, story.

   Development of ideas—Procedure and content consistent with and adequate for organization followed.

   Paragraph & sentence structure—Paragraphs well organized. Topic sentences well stated. Sentences direct, clear, and easy to understand. Transitions adequate.

   Chapter and marginal headings—Headings and content consistent, each contributing to the understanding of the other.

   Summaries—Summaries well organized and clearly stated.

   Provisions for reviews—Need for review of material indicated. Reviews varied and challenging.

   Drills and tests—Worthwhile purposes and interesting procedures suggested. Ample check and test exercises given.

   Aids—Helpful maps, charts, diagrams, pictures, and vocabulary aids well organized for reference.

   Table of contents—Organization clear.

   Suggestions to pupils & teachers—Suggestions for the use of the book in accord with an acceptable educational philosophy. Stimulating to good thinking and desirable outcomes.

   Index—Important items carefully and adequately indexed.

   Bibliography—Additional related material listed with resources.

   Appendix—Pertinent information given. Well organized.
5. **Style**—Diction simple, direct, clear, pleasing, and of a high standard. Detail vivid.
6. **Vocabulary (Reading Level)**—Choice and variety of words satisfactory. New vocabulary not too difficult, but challenging and helpful. Appropriate levels of readability.

Physical Features

1. **General attractiveness**—Book pleasing.
2. **Size of book**—Size appropriate for age level of students and intended use.
3. **Paper**—Good stock, opaque and smooth, without glossy finish.
4. **Typeface**—Type size and face approved for age level of student and also approved leading between lines.
5. **Binding**—Binding firm and durable. Cover serviceable and pleasing in color and design.
6. **Page arrangement**—Good page layout. Pleasing balance in print and illustrations.

7. **Illustrations**—Artistic in arrangement and color. Convey accurate ideas.

Treatment of Groups

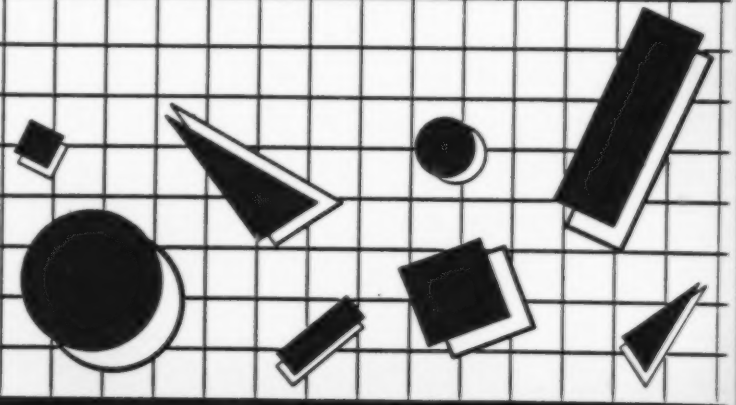
Following is a list of criteria on which educators can evaluate most, if not all, curriculum materials.

While not all 15 criteria will be applicable in every case, the questions raised by them do focus upon basic considerations in the materials that we use in the education of our children.

Do the learning materials—

1. Give evidence on the part of writers, artists, and editors of a sensitivity to prejudice, to stereotypes, and to the use of offensive materials?
2. Suggest, by omission or commission, or by over-emphasis or under-emphasis, that either men or women, or any racial, religious, or ethnic segment of our population is more or less worthy, more or less capable, more or less important in the mainstream of American life?
3. Provide abundant, but fair and well-balanced, recognition of male and female children and adults of minority groups by placing them in positions of leadership and centrality?
4. Exhibit fine and worthy examples of men and women from minority as well as majority groups in art and science, in history and literature, and in all other areas of life and culture?
5. Present a significant number of instances of fully integrated human groupings and settings to indicate equal status and non-segregated social relationships?
6. Make clearly apparent in illustrations, the group representation of individuals—Caucasian, Afro-American, Indian, Chinese, Mexican-American, etc.—and not seek to avoid identification by such means as smudging some color over Caucasian facial features.
7. Delineate life in contemporary urban environments, as well as in rural or suburban environments, so that today's city children can also find significant identification for themselves, their problems, and their potential for life, liberty, and the pursuit of happiness?
8. Portray men and women, racial, religious, and ethnic groups with their similarities and differences, in such a way as to build positive images?
9. Emphasize the multi-cultural character of our nation as having unique and special value which we must esteem and treasure?
10. Assist students to recognize clearly and to accept the basic similarities among all members of the human race, and the uniqueness and worth of every single individual, regardless of sex, race, religion, or socio-economic background?
11. Help students appreciate the many important contributions to our civilization made by members of the various human groups, emphasizing that every human group has its list of achievers, thinkers, writers, artists, scientists, builders and political leaders?
12. Supply an accurate and sound balance in the matter of historical perspective, making it perfectly clear that racial, religious, and ethnic groups have mixed heritages, which can well serve as sources of both group pride and group humility?
13. Clarify or present factually the historical and contemporary forces and conditions which have operated in the past, and which continue to operate to the disadvantage of minority groups and women?
14. Analyze intergroup tension and conflict fairly, frankly, objectively, and with emphasis upon resolving our social problems in a spirit of fully implementing democratic values and goals in order to achieve the American dream for all Americans?
15. Seek to motivate students to examine their own attitudes and behaviors, and to comprehend their own duties and responsibilities as citizens in a pluralistic democracy—to demand freedom and justice and equal opportunity for every individual and for every group?

Budget Calendar



BUDGET CALENDAR

Advisory Timetables

Budget request forms should be sent to principals and department heads on May 15 and returned to central office about June 1. Conferences held with the principals and department heads following receipt of requests, to determine priorities to be given each item. Working copy of tentative budget prepared by November 30.	May through November
About December 1 presentation of tentative budgets for consideration of the board of education, followed by study by citizens' committees, parent-teacher associations, civic groups or any other group interested in school affairs.	December through February 15
Board of education makes final revisions and officially adopts budget to be advertised prior to public hearing required by statute.	February 15 through March 1

Mandatory Timetables

Note: *At the beginning of each school year the department of education publishes an official budget calendar containing the appropriate deadline dates for that year.*

Commissioner determines and notifies all districts of the amount of state aid payable for the next school year. (18A:7A-27)	On or before November 1 (18A:7A-27)
Commissioner certifies to each local board of education the amount by which the school district may increase its budget for the next year without exceeding the permissible rate of increase.	On or before November 1 (18A:7A-25)

Type 1 School District
(Also Type 2 district having board of school estimate)

Submission of proposed budget to commissioner for review	On or before January 15 (18A:7A-28)
Presentation of proposed budget to board of school estimate by board of education	Or or before the first Tuesday in March (18A:22-7)
Publication of budget statement and notice of hearing	7 days or more before hearing (18A:22-11)
Public hearing by board of school estimate	Between first Tuesday in March and March 18 (18A:22-10)

Adoption by board of school estimate	At or after public hearing, but not later than on March 18 (18A:22-14)

When the tax levy for schools exceeds 1.5 percent of the assessed value of the municipality's taxable property, the municipal governing body must also approve the school levy. (18A:22-17)

Within 20 days after receiving certification of the amount to be appropriated, the board of education must notify the board of school estimate and the governing body if it intends to appeal the determination of this amount to the commissioner of education. (18A:22-14; 18A:22-26)

In the event the budget certified by the board of school estimate exceeds 1.5% of the municipality's taxable property and the governing body refuses to appropriate the excess amount, the board of education must notify the governing body of its intention to appeal the amount appropriated to the commissioner of education within 20 days after passage of the tax ordinance. (18A:22-17)

Within 30 days after certification of the amount to be appropriated, or passage of the tax ordinance (whichever is applicable) a petition of appeal must be filed with the commissioner by any board of education wishing to appeal the budget. (*N.J.A.C.* 6:24-7.2)

Type 2 School District
(Without a board of school estimate)
(Including all regional districts)

Submission of proposed budget to commissioner for review	On or before January 15 (18A:7A-28)
Preparation and adoption of tentative budget by the board of education	On or before the first Tuesday in March (18A:22-7)
Publication of budget statement and notice of hearing	7 days or more before hearing (18A:22-11)
Public hearing by board of education	Between the first Tuesday in March and March 18 (18A:22-10)
Final adoption of budget by board of education	At or after public hearing, but not later than 12 days before the election (18A:22-32)
Submission to school district voters	First Tuesday in April (18A:14-2; 18A:13-10)

If budget is rejected by voters the board of education must deliver the defeated budget to the municipal governing body (or bodies) within 2 days. The governing body (bodies) must then consult with the board of education and certify the amount necessary to be raised for school purposes by April 28. Within 15 days of certification the board of education must notify the governing body (bodies) if it intends to appeal the amount certified to the commissioner of education. (18A:13-19; 18A:22-37)

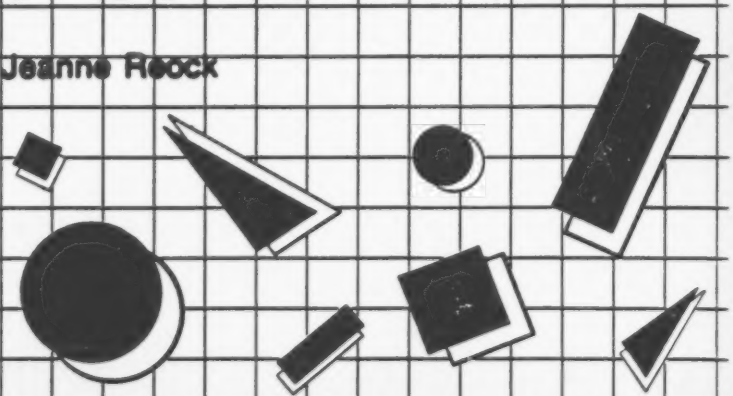
Within 30 days after certification a petition of appeal must be filed with the commissioner by any board of education wishing to appeal the budget. (*N.J.A.C.* 6:24-7.2)

All School Districts

Annual audit of school district's accounts and financial transactions completed	On or before October 31 (18A:23-1)

The Long Distance Runner: The Board Member Runs a Long Hard Course of School Finance

Jeanne Reock



Imagine the board member as a long distance runner—tired, lonely, beset by roadblocks and barriers, assailed by antagonists, straining always to reach the goal at the end of his or her course—to provide a decent education for the children in the community. The board member is in a race where all who finish the course will win. To win the race in terms of school finance in New Jersey today, the state assures that everyone will have the resources to make the run. This is done by providing state aid on an equalized basis, so that everyone will have the basic strength required to run the course. Not everyone, however, chooses to take advantage of all the aid to which they are entitled since they must put out some effort to get it. Despite aid to many of the weaker runners, some are just naturally bigger and stronger than others and this makes the race unfair. Therefore, the state has placed a handicap on the strongest to slow their pace. They may be required to hop on one leg for a while or stand in place. This attempt to equalize abilities is known as the budget caps.

There are numerous roadblocks, sand traps and pitfalls to keep the runners from their final destination. These may crop up at any time—a decision by the state that local boards must pay for teachers' pensions or unemployment compensation, or a new state mandate requiring expenditures for safety features on buses or a reduction in state aid.

On top of all this, the runner must negotiate with his support team concerning just how he plans to run the course, with whom, in what fashion and how rapidly. Much of his strength is drained by these constant encounters.

It is no wonder that the school board member sometimes feels the loneliness of the long distance runner, the confusion and dismay of those who face the seemingly impossible. We cannot resolve all those problems, but we can, in this brief paper, attempt to clarify the rules of the course, to point out some of the impediments in the race and how they might best be handled.

In order to discuss a subject like school finance, a special vocabulary with some precise meanings is necessary. We have provided a glossary of school finance terms. We hope you will become familiar with their meanings and refer to the glossary as you read this article.

State Aid—an Overview

The state aid provided under C. 212, P.L. 1975, The Public School Education Act of 1975 (*N.J.S.A.* 18A:7A-1 to 33) can be broken down into four main components. These are (1) current expense equalization aid, (2) capital outlay and debt service equalization aid, (3) transportation aid and (4) categorical program aid. As the names imply, the first two are provided on an equalized basis, with the poor receiving much more than the wealthy. The intention is to equalize the resources available for education regardless of the community's own wealth. Transportation aid is provided on the same basis for all—90 percent reimbursement for all approved transportation. Categorical program aid—for special education, compensatory and bilingual education programs—is also given to all districts, poor or not so poor, based strictly on the number of students in each category. In addition to these basic four components, the state makes the employer's contribution for each district to the employee pension system (TPAF). This pension contribution is considered part of a district's state aid.

With all forms of state aid taken together, the state pays about 40 percent of the total cost of public elementary and secondary education in New Jersey. This contrasts with about 28 percent prior to passage of the "T&E" law (P.L. 1975, c. 212). The 40 percent is an average figure. The actual percentage of state aid varies from less than 5 percent in some districts to almost 90 percent in others.

Equalization Support Aid for Current Expense

By giving substantial equalization support aid to very poor communities, the state attempts to provide all districts with the resources necessary to provide a "thorough and efficient" education

for their children. Equalization aid is given on a sliding scale. The poorer the district, the greater the state's share of its total costs will be. A very poor district might have a state support ratio of 70 percent, which means that the state would pay 70 percent of its net current expense budget (up to a certain cut-off point). A district with more taxable wealth of its own might have a state support ratio of only 5 or 10 percent.

The equalization support aid formula is designed so that, within certain limits, all districts spending at a given dollar level per pupil will have the same equalized school tax rate. For instance, under the formula, a community with only $40,000 of taxable property for each pupil could spend $2,000 per pupil and have the same tax rate as a district with $80,000 of taxable property behind each student which is also spending $2,000 per pupil. The state makes up the difference through the device of a "guaranteed valuation." In other words, the state guarantees that the district can tax as though it had an equalized valuation per pupil as high as the state's guarantee. Without this guaranteed valuation, the poorer district in the example would need double the tax rate of the wealthier district in order to support the same level of expenditure.

According to the statute, the guaranteed valuation for any given year is 1.344 times the state average valuation per pupil for the pre-budget year. Therefore, it has risen each year, with the 1985-86 guaranteed valuation per pupil placed at $250,927.

Equalization aid is calculated on the basis of the net current expense budget (NCEB). Therefore, no equalization aid is given for unapproved transportation or for expenditures made out of other revenues, such as federal aid, tuition, grants, miscellaneous fees or state categorical aid since these are not included within the definition of NCEB.

The formulas for calculating state aid and several examples are given in Appendix A.

Minimum Aid

About 40 percent of the state's districts have property tax wealth behind each pupil (equalized valuation per pupil) that is greater than the valuation the state guarantees; they are known as "minimum aid districts". Under a straight equalization aid formula, these districts would be entitled to no equalization aid. In view of this situation, a "mandated cost amendment" was included in Chapter 212 that provided for every district to receive at least 10% of the state support limit for its type of district. The rationale for this was that the state mandates certain costs and therefore every district is entitled to some state aid. These districts are known as "minimum aid districts." However, this provision was modified by Chapter 158 of the Public Laws of 1978, which was signed into law on November 27, 1978. This amendment eliminated the flat grant of 10 percent and put minimum aid on a sliding scale from 10 percent to 0, with a handful of districts receiving no equalization aid at all. (See example 3 in Appendix A.) The minimum aid guaranteed valuation was established in statute at 11.5 times the state average equalized valuation per pupil in the pre-budget year, which for 1985-86 would be $2,147,073. Although this figure is higher than the guaranteed valuation, it is used in a very different formula and is applied only to the state support limit multiplied by the resident enrollment; it is not applied to the district's own spending level. The result is aid that is less than 10 percent of the budget.

State Support Limits

The amount of state equalization aid a district receives depends not just on the district's wealth or poverty in terms of taxable property, but also on how much the local board of education decides to spend on each of its pupils. Up to a certain point, known as the state support limit, the state will pay its share of every dollar spent on education. Therefore, if two districts are identical in all respects and one of them spends more than the other, the higher spending one will receive more state aid--at least for the expenditures that are within the state support limit. The state helps those who help themselves. (See Appendix A.)

The state support limit is theoretically the spending level at which a district can provide a "thorough and efficient" education. New state support limits are calculated every year for each of five types of districts—9-12 regionals, their constituents (K-8), 7-12 regionals, their constituents (K-6), all other districts (including K-12). These limits are based on actual statewide expenditures in the previous year and, therefore, move with the economy. According to Chapter 212, the per pupil expenditures of all districts within each of the five categories is ranked from lowest to highest and the state support limit for the next year is set at the 65th percentile in that ranking.

Equalization Aid for County Vocational Schools

Equalization support aid for county vocational schools is calculated by the same basic formula used for other districts except that the county equalized valuation per pupil is used and the state support ratio is multiplied by the resident enrollment times 175 percent of the statewide state support limit. This provides recognition that vocational costs are higher than the costs of education generally.

Equalization Support Aid for Capital Outlay and Debt Service

State support for debt service and budgeted capital outlay is also given on an equalizing basis, with poorer districts receiving more than their richer cousins. State aid equals the total of the net debt service and budgeted capital outlay multiplied by the district's state support ratio; for state aid purposes budgeted capital outlay is limited to the smaller of (1) the budgeted capital outlay for the pre-budget year, or (2) 1½ percent of the sum of the current expense and budgeted capital outlay for the pre-budget year. Since there is no minimum aid provision, some districts receive nothing in this category.

Transportation Aid

The state reimburses districts for 90 percent of the costs of approved transportation in the year prior to the pre-budget year. Until the law was "reinterpreted" for the 1980-81 school year, aid was given with a one-year lag rather than a two-year lag. Approved transportation includes transportation for elementary school children (K-8) who live more than two miles from school, secondary school pupils (9-12) who live more than two and a half miles from school, and special education pupils. State aid is also provided for pupils who attend private, non-profit schools in New Jersey within 20 miles of home, to a maximum cost of $406 per pupil in 1985-86. This figure is adjusted for inflation annually. All other transportation is unapproved and must be paid for completely by local funds.

Categorical Program Aid

Federal and state law require districts to provide special programs for students with special needs. These are known as categorical programs and include special education, compensatory education, bilingual education, as well as local vocational education and pupils on home instruction and in resource rooms. Chapter 212 established a system of additional cost or weighting factors for each type of or special program category, with each handicapped condition within the special education category having its own weighting factor.

A district receives categorical aid for a pupil equal to the additional cost factor for that child's category multiplied by the state average net current expense budget (NCEB) per pupil for the pre-budget year. For example, the additional cost factor for a child who is educable (mentally retarded) is .45. The categorical aid for that child for 1985-86 would be .45 times $3,349 (the state average 1984-85 NCEB per pupil), which would yield $1,507 in aid. This would be in addition to the equalization support aid received for this child. Theoretically, at least, these weighting fac-

tors should cover the extra costs of educating children in special programs.

The additional cost factors are subject to change annually. On April 1, the Governor recommends factors for the school year that begins on July 1 following the next July 1. Unless the Legislature passes a resolution rejecting the new factors within 60 days, they automatically go into effect.

Districts also receive categorical aid for children who are in state institutions, but whose parents or guardians are residents of the district. Tuition for these students, which equals the state average NCEB per pupil plus the categorical aid for that type of institution, must be paid by the local district. Although the district receives both categorical and equalization aid for the student, the district bears a share of the cost from its local property taxes, the proportion depending on the district's state support ratio. For example, if a district's state support ratio is 15 percent, the local district would pay 85 percent of the state average NCEB per pupil, or $2,847 in tuition from its own local funds.

The additional cost factors for 1985-86 are on the page that follows.

Special Education Classes	Additional Cost Factor	Per Pupil* Aid
Educable	.45	$ 1,507
Trainable	.79	$ 2,646
Orthopedically Handicapped	.99	$ 3,315
Neurologically Impaired	.59	$ 1,976
Perceptually Impaired	.24	$ 804
Visually Handicapped	1.07	$ 3,583
Auditorially Handicapped	1.51	$ 5,057
Communication Handicapped	.81	$ 2,713
Emotionally Disturbed	.79	$ 2,646
Socially Maladjusted	.53	$ 1,775
Chronically Ill	.43	$ 1,440
Multiply Handicapped	.93	$ 3,115
Preschool Handicapped	.23	$ 770
Supplementary and Speech	.08	$ 268
Other Classes and Services		
Approved private school tuition	.84 ($2,897) ** plus the additional cost factor of the handicap	
Home Instruction	.005 times the number of hours in the pre-budget year.	
Bilingual Education	.23	$ 770
State Compensatory Education	.18	$ 603
Approved Local Vocational Education	.28	$ 938
Resource Room	.60	$ 2,009
Children in State Institutions		
Residential-Retarded	1.42	$ 4,756
Day Training Center	2.37	$ 7,937
Residential Youth Center	1.33	$ 4,454
Training School or Correctional Facility	.50	$ 1,674
Child Treatment Center or Psychiatric Hospital	.95	$ 3,181

* cost factor x $3,349 (state average NCEB per pupil in 1984-85)

** districts receive no equalization aid for these pupils

Budget Caps

Budget caps, which are limits on the annual growth in school budgets, are closely tied to the provision of additional state aid for local districts through Chapter 212. (See Appendix B.)

The Legislature decided that if the state were going to pay a higher portion of the education tab and if that amount was to be tied to a figure that could rise annually (the state average net current expense budget per pupil), then it was necessary to ensure that there would be some control on how rapidly that figure could increase. Otherwise, local districts would have had a "blank check" on the state treasury. In a similar vein, the budget caps would ensure property tax relief by keeping school costs down. The caps were also intended to prevent large and inefficient expenditure increases in school districts where the flow of new state aid increased suddenly.

Aside from keeping costs down, the budget caps are designed to equalize educational opportunities to some degree for children throughout the state by equalizing expenditures. The caps permit lower spending districts to increase their expenditures more rapidly than higher spending districts. However, the caps are so constructed that low spenders can never catch up with higher spending districts. Once a district spends higher than the state average, its permitted per pupil increase is the same as all other districts spending higher than the state average. Therefore, if two districts are $200 apart in expenditures and they both spend up to cap, the lower spending one can never catch the higher spender.

There are two budget cap formulas, one applying to districts which have been spending at a level below the state average net current expense budget per pupil (NCEB), and the other applying to districts which have been spending at or above the state average NCEB per pupil. (See Appendix B.) In each case, the formula gives the amount by which the NCEB could be increased for each pupil enrolled. Multiplying the result of the formula by the prior year's enrollment gives the total dollar amount by which the district's NCEB could be increased.

The basic growth rate and the equalization factor are the same in both formulas; the difference is that for the lower spending districts the base is the state average and for the higher spending districts the base is the district's own spending level. If higher spending districts had to use the state average as their base, their budget caps would be even tighter.

Three quarters of the annual percentage change in the value of property statewide, either the latest year or the last three years averaged, has been used as a growth rate because it is considered to be a measure of the ability of the state's economy to absorb new taxes. The three-year average was included in order to prevent sharp fluctuations in property values from causing sharp changes in budget caps; it is a stabilizing factor. As originally introduced, this formula would have used the full growth in property values statewide as the growth factor. However, the Legislature reduced it to three quarters, reflecting the fiscal austerity of the times.

The growth rate factor for 1985-86 was 7.5 percent. A district that spends exactly at the state average NCEB per pupil, which was $3,349 in 1984-85, was able to increase its net current expense budget 7.5 percent. Districts spending less than the state average are able to increase by greater percentages. Districts spending more than the state average are confined to lower percentage increases, some as low as 3 or 4 percent. To speak of a general percentage increase that is permitted for all districts is erroneous. The percentage must be calculated separately for each district. (See Figure B.)

It should be remembered in dealing with budget caps that they apply only to the adjusted net current expense budget, which is defined as that portion of the current expense budget that is funded through state equalization aid, local property taxes or from the appropriations of free balances or miscellaneous revenue; it also includes unapproved transportation costs. A new law (P. L. 1985, Chapter 151), which first affects the caps for 1986-87, brought appropriations from free balance and miscellaneous revenue into the capped portion of the budget for the first time.

On November 15 of each year, the commissioner of education notifies each school district of

its maximum permissible adjusted net current expense budget for the following year. To this base figure, the district then adds its estimated income from transportation aid, categorical program aid, tuition and federal, state or other grants. The sum is the maximum permissible current expense budget. Although the cap does not apply to the total budget, these add-in items are, for the most part, outside the control of the school district.

The budget cap does not apply to the capital outlay or debt service portions of the school budget.

Budget Cap Waivers

Under Chapter 212, the commissioner of education is empowered to grant exception to the limits on budget growth imposed by the formulas in Section 25. These are known as budget cap waivers. The law provides two bases for such waivers. One is that increased enrollment may be reasonably anticipated. This provision is necessary because the allowable budget increase is figured on the basis of the number of pupils enrolled on September 30 of the pre-budget year. For instance, if a district anticipated an increase of one hundred pupils for the next school year, its budget cap would not take this into account and a waiver would be needed in order for the district to budget adequately for those pupils without taking away from the others.

The second guideline the law provides for granting cap waivers is much more vague. It is generally known as the waiver for T&E. The wording of the law is that the commissioner may grant a waiver if "a reallocation of resources or any other action taken within the permissible level of spending would be insufficient to meet the goals, objectives and standards established pursuant to this act."

The administration of the cap waivers has been uneven, with fairly tight standards applied in some years, and more liberal ones in others. For the past several years, the commissioner has refused to give cap waivers to districts that spend over the 65th percentile unless there are extenuating circumstances that make T&E impossible without a waiver. The cap waiver process is, at best, uncertain and in any event, very time-consuming at both the local and state levels. In addition, before getting a waiver local boards have been forced to take their surpluses down to zero unless they could justify them for specific purposes. This eliminates the use of surplus as a contingency fund for unforeseen emergencies. With school budgets planned eighteen months before their budget period ends, this can create serious problems.

Appeals from the decision of the commissioner on a cap waiver may be made to the state board of education. Such appeals only became possible in December 1978 with changes in the administrative code made as a result of an attorney general's ruling.

Free Balance or Surplus

When a district spends less than it has budgeted or receives unexpected revenue, a surplus balance is created. Since boards of education are not permitted to overexpend their budgets and since it is virtually impossible to anticipate revenues and expenditures to the dollar, surplus balances at the end of the school year are almost inevitable. The surplus can (1) be held as a contingency or emergency fund, (2) be appropriated (all or a portion of it) as revenue in the next school budget, thus reducing the need for local tax levy, or (3) be appropriated and expended during the school year for goods and/or services.

With the passage of Chapter 151 of the Public Laws of 1985 and beginning with the 1986-87 school year, boards of education can appropriate revenue from free balance to reduce the need for local property tax levy without a budget cap "penalty". This law includes the appropriated free balance and miscellaneous revenue within the capped portion of the budget, now known as the adjusted net current expense budget (ANCEB). However, it should be noted that no state aid will be paid on that portion of the budget supported with appropriated free balance.

Although a district may appropriate and spend free balance during the school year, even when

the budget cap will be exceeded, this procedure should be used only with considerable caution. The problem is that the expenditure of funds above the cap cannot be continued in future years without an equal amount of free balance to support it. For instance, if a free balance were used to partially fund an increase in teacher salaries or any other on-going expense, then a similar amount of free balance would be necessary to fund these expenditures in the following year because the money could not be raised from local property taxes, which are bound by the cap. Therefore, free balance is best used only for one-time expenditures, such as roof repair or purchase of equipment.

State Aid Problems

Although NJSBA supports the Legislature's choice of a shared-cost approach to school financing and its attempts to equalize the resources available for education, we believe the present law does not provide enough aid. The overall state share should be raised to 50 percent in order to provide greater equality of opportunity and additional property tax relief.

A major problem with the present law, particularly in an inflationary economy, is the one-year time lag in most state aid. The equalization aid a district receives is based on its prior year's budget. This means that new costs, whether due to increased enrollment, new programs, higher salaries or general inflation, must be financed from the local property tax in the first year. Even though the costs are reimbursed in the following year, districts with low tax bases have difficulty making improvements. Current year funding would resolve the problem by providing the aid in the year in which the expenditure is made.

A similar situation exists in categorical programs. Categorical aid is based on the number of pupils in special programs on September 30 of the previous year. If students enter categorical programs after September 30, they are not counted until the following September 30 and there will be a two-year time lag on reimbursement for their special costs. Because of the time lag, additional costs must be picked up by local property taxes. The situation is especially bad in transportation because of the two-year time lag. On the average, transportation aid comprises just over 60 percent of approved transportation costs in a given year rather than the statutory 90 percent.

The other major problem with the current law is that the additional cost factor approach used for categorical program aid does not provide sufficient reimbursement to districts in meeting their extra costs for these special programs. Since districts are required to run these programs, the state should pick up the full additional cost. NJSBA recommends that an "excess costs" approach be used wherein the district would receive state aid equal to the cost of special programs that is over and above the district's regular expenditure per pupil. Districts would be subject to prior approval of programs by the state department of education.

APPENDIX A

How To Calculate Current Expense Equalization Support

Note: Please see the Glossary for definition of terms.

Equalization support shall be paid on the basis of whichever of the following calculations results in the *greater* aid:

a. Divide the district's equalized valuation per pupil and subtract the quotient from 1.0000 to obtain the district's state support ratio. Multiply the district's state support ratio by the smaller of (1) the net current expense budget for the pre-budget year, or (2) the product of the resident enrollment and the state support limit.

or

b. Divide the district's equalized valuation per pupil by the minimum aid guaranteed valuation per pupil. Subtract the quotient from 1.0000 and multiply the remainder by 10 percent to obtain the district's minimum aid state support ratio. Multiply the district's minimum aid state support ratio by the product of the resident enrollment and the state support limit.

Basic Figures to be Used in the Calculation of 1985-86 State Aid

Guaranteed valuation per pupil: $250,927

State support limit:

K—6	$3,262
K—8	$3,624
K—12	$3,764
7—12	$3,982
9—12	$4,424
County Vocational	$6,472

Minimum aid guaranteed valuation per pupil — $2,147,073

EXAMPLE A (Poor district—low spending)

This is a K-12 district that has less than the state guaranteed vaulation per pupil and has an NCEB of only $2,800 per pupil, which is below the state support limit of $3,764. The district has 2,000 pupils.

1. $\frac{\text{District's equalized valuation per pupil}}{\text{Guaranteed valuation per pupil}} \quad \frac{\$100,000}{\$250,927} = .3985$

2. 1.000
   − .3985
   .6015 = State support ratio

3. Choose the lower of:
   a. Net current expense budget = $5,600,000
   b. Resident enrollment x state support limit
   2,000 x $3,764 = $7,528,000

4. Multiply the lower figure by the state support ratio to get the state equalization support aid. In this case, the lower figure is the net current expense budget.

   $5,600,000 x .6015 = $3,368,400

   (NCEB) x (State Support Ratio) = (State Equalization Aid)

EXAMPLE B (Poor district—high spending)

This district is identical to the one in Example A except that it spends $3,900, which is higher than the state support limit. Steps 1 and 2 are the same as in Example A.

3. Choose the lower of:
   a. Net current expense budget = $7,800,000 or
   b. Resident enrollment x state support limit
      2,000 x $3,764 = $7,528,000

4. Multiply the lower figure by the state support ratio to get the state equalization support aid. In this case, the lower figure is the state support limit multiplied by the residential enrollment.

$7,528,000 x .6015 = $4,528,092

(State Support Limit) x (State Support Ratio) = (State Equalization Aid)

While the formula is designed to aid all districts with equalized valuations below the state guarantee, the amount of state aid a district receives will increase as its per pupil expenditure increases—up to a point. In a sense the state helps those who help themselves. This can be seen in the contrast between Districts A and B. The districts are identical except that District B spends more per pupil. As a result, District B receives more state aid than District A, even though both districts have the same property wealth behind each pupil. While local effort has its rewards, it has its price since District B will have a higher local tax rate than A.

The state does not give any state aid for expenditures that exceed the state support limit. This limit is the expenditure per pupil that is at the 65th percentile when per pupil expenditures for all the districts in the state are ranked from low to high. Six different state support limits are established, five related to grade levels and the sixth for county vocational schools. That is why, when the district spends above the state average as in Example B, the state support ratio is applied against the enrollment times the state support limit rather than the district's own budget.

EXAMPLE C (Minimum Aid District)

This is a K-12 district with 2,000 pupils and an equalized valuation per pupil of $400,000, considerably higher than the guaranteed valuation per pupil. Method (b) is used to calculate the aid for all minimum aid districts. Even though the district spends $4,600 per pupil, aid is based on the state support limit.

1. $\dfrac{\text{District's equalized valuation per pupil}}{\text{minimum aid guaranteed valuation per pupil}} \quad \dfrac{\$\ 400{,}000}{\$2{,}147{,}073} = .1863$

2. $1.0000 - .1863 = .8137$

3. .8137 x .10 = .0813 district's minimum aid state support ratio

4. **Multiply the district's minimum aid state support ratio by the product of the resident enrollment and the state support limit.**

   .0813 x (2,000 x $3,764) = $613,532 State equalization aid (minimum aid)

APPENDIX B
Budget Cap Calculations

1. **For districts spending below the state average**

   Adjusted net current expense budget per pupil (ANCEB), the budget caps for 1986-87 can be calculated as follows:

   $$.0970^{*} \times \$3{,}750^{**} \times \frac{\$3{,}750}{\text{district's ANCEB}} = \text{budget increase permitted per pupil}$$

   This per pupil figure can be translated into a percentage as indicated below:

   $$\frac{\$\ 455}{\$3{,}000} = 15.1\% \text{ budget cap}$$

2. **For districts spending at or above the state average**

   ANCEB, the budget caps for 1986-87 can be calculated as follows:

   $$.0970^{*} \times \$3{,}750^{**} = \$364 \text{ per pupil}$$

   Although the per pupil dollar amount is the same for all districts spending at or above the state average, the percentage increase will vary with the district's spending level. The higher the spending level, the lower will be the percentage increase permitted.

EXAMPLE

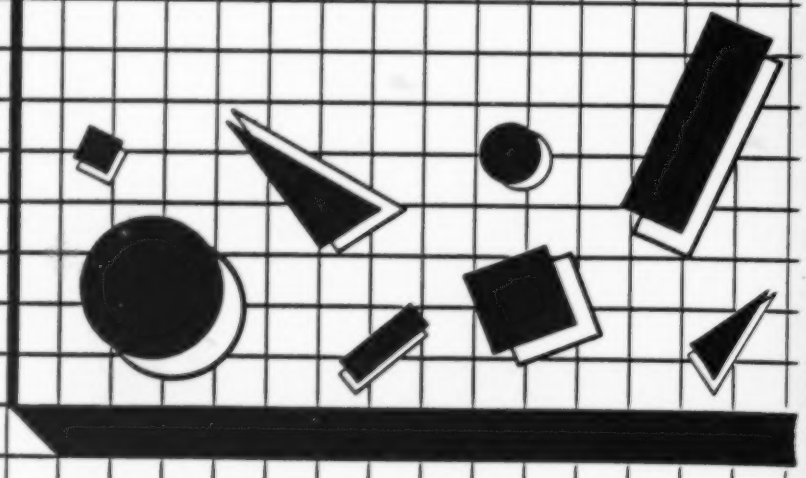
$$\frac{\$\ 364}{\$4{,}800 \text{ (district's per pupil spending)}} = 7.6\% \text{ budget cap}$$

$$\frac{\$\ 364}{\$5{,}500 \text{ (district's per pupil spending)}} = 6.6\% \text{ budget cap}$$

* *.0970 is the growth factor in the formula. It is ¾ of the percentage growth in statewide equalized valuations.*

** *$3,750 is the estimated statewide average adjusted net current expense budget per pupil for 1985-86.*

Glossary of School Finance Terms



Glossary of School Finance Terms

Adjusted net current expense budget—the sum of the current expense revenues from local property tax levy, equalization aid, appropriation from free balances and from miscellaneous revenue in addition to expenditures budgeted for unapproved transportation and 10 percent of approved transportation costs. It does not include categorical program aid, state transportation aid, revenues from grants or special programs. The adjusted net current expense budget is used in calculating budget caps.

Adjusted net current expenses per pupil—the quotient resulting from dividing the adjusted net current expense budget by the resident enrollment.

Adjusted state average net current expense budget per pupil—the quotient resulting from dividing the total adjusted net current expense budget of all districts in the state by the total resident enrollment in the state.

Appropriated surplus—that amount of free balance or surplus that the board appropriates as revenue. Its effect is to reduce the amount to be raised through local property taxes.

Approved transportation—transportation for elementary school children (K-8) who live more than two miles from school, secondary school pupils (9-12) who live more than two-and-a-half miles from school, special education pupils, and pupils who attend private, non-profit schools in New Jersey within 20 miles of home, to a maximum established by statute.

Budget cap—the limit on annual growth in a school budget as determined by the formulas contained in Section 25 of Chapter 212. The term "budget cap" will not be found in the law itself. The budget cap applies only to the adjusted net current expense budget.

Categorical programs—those programs and services recognized in this act as requiring per pupil expenditures over and above those applicable to regular programs. These include all special or atypical (handicapped) pupil education, bilingual and compensatory education programs, supplementary and home instruction, resource rooms and local vocational education.

District equalized valuation per pupil—the quotient resulting from dividing the total equalized valuations in the school district by the resident enrollment of the district; provided that in the determination of the equalized valuation per pupil of a county vocational school, the total equalized valuations in the county shall be divided by the total resident enrollment in all school districts of the county to obtain the county vocational school equalized valuation per pupil.
The wealth or poverty of a school district in terms of its resources available to support education is measured by its equalized valuation per pupil.

Equalized support aid (also known as equalization aid)—the main component of state aid to local school districts on a statewide basis. This aid is given on a sliding scale based on the district's equalized valuation per pupil and also on its spending level. It has an equalizing effect because the formula for calculating equalization support aid is designed to provide more state money for each student in a poor district than in a wealthy district.

Equalized school tax rate—has no statutory definition, but it is usually taken as the school tax levy of a school district divided by the district's equalized valuation. It is a measure of local property tax burden necessary to support the school budget. Equalized school tax rates are used in order to compare tax rates among communities. Actual school tax rates are not valid for purposes of comparison because they reflect varying assessment ratios.

Equalized valuation—the equalized valuation of the taxing district or taxing districts as certified by the director of the Division of Taxation on October 1 of the pre-budget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them.

Equalized valuations are a measure of the taxable property or the property wealth in a district. Equalized valuations are used rather than assessed valuations so that comparisons may be made among communities even though assessment ratios may vary. An on-going study of the ratio between actual sales prices and the assessment of all properties is conducted by the County Board of Taxation in order to determine a municipality's assessment ratio. All school finance formulas are based on equalized rather than assessed valuations.

Guaranteed valuation per pupil—the product, rounded to the nearest whole dollar, of 1.344 times the state average valuation per pupil for the year in which the calculation is made. In recent years, this figure has frequently been reduced by a footnote in the appropriations act. However, for 1985-86, the figure computed by the statutory formula, $250,927, was used; therefore, equalization aid was fully funded.

Guaranteed valuation is the principal device by which the state equalizes the resources available to local school districts. It is used in the equalization support aid formula.

Minimum aid guaranteed valuation per pupil—the product, rounded to the nearest whole dollar, of 11.5 times the state average equalized valuation per pupil for the year in which the calculation is made. In recent years, this has frequently been reduced on an annual basis by a footnote in the appropriations act. However, for 1985-86, the figure computed by the statutory formula, $2,147,073, was used.

Net current expense budget—the balance after deducting

1. state support for categorical programs pursuant to section 20 of this act (*N.J.S.A.* 18A:7A-20),
2. the difference between the transportation amount in the current expense budget and 10 percent of the estimated approved transportation amount, and
3. all other revenue in the current expense budget except the amount to be raised by local taxation, equalization state support and state support for approved transportation.

In essence, the net current expense budget is that portion of current expenses that is supported by state equalization aid and local property taxes. It does not include an amount equal to other revenues—appropriated surplus balances, tuition, federal aid, other state aid and miscellaneous revenue. The NCEB is used in the state aid formulas.

The Department of Education uses the term net operating budget (NOB) to signify the net current expense budget (NCEB).

Net current expense per pupil—the quotient resulting from dividing the net current expense budget by the resident enrollment.

Pre-budget year—the school year preceding the year in which the school budget will be implemented. For example, 1984-85 is the pre-budget year for the school year 1985-86.

Resident enrollment—the number of pupils who are resident of the district and are enrolled in day or approved evening schools on the last school day of September of the pre-budget year and are attending

1. the public schools of the district,
2. another school district or a state college demonstration school, or
3. a state facility to which the district of residence pays tuition, provided that a district shall

count pupils regularly attending both the schools of the district and of a county vocational school in the same county on an equated full-time basis.

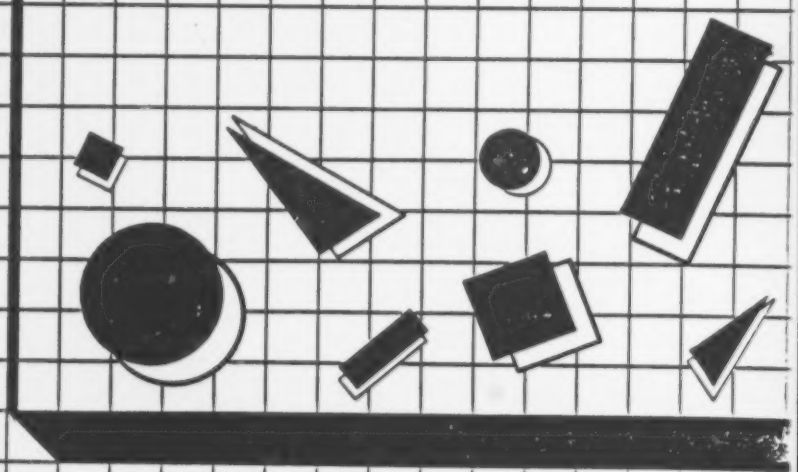
State support limit—the 65th percentile net current expense budget per pupil for the pre-budget year when all district figures are ranked from low to high. The state support limit shall be calculated and applied separately for

a. limited purpose regional districts offering grades 9 through 12,
b. limited purpose regional district offering grades 7 through 12, provided however, that the figure used for such districts shall be not less than 90 percent of the sixty-fifth percentile for limited purpose regional districts offering grades 9 through 12,
c. constituent districts of limited purpose regional districts offering grades 9 through 12,
d. constituent districts of limited purpose regional districts offering grades 7 through 12, provided however, that the figure used for such districts shall be not less than 90 percent of the 65th percentile for constituent districts of limited purpose regional districts offering grades 9 through 12, and
e. all their districts. The state support limit for county vocational schools is 175 percent of the statewide 65th percentile NCEB per pupil.

State support ratio—the percentage of a district's net current expense budget that the state will pay through equalization support aid up to the level of per pupil expenditure equal to the state support limit.

Legislation and the Role of the Board Member

Marianne E. Rhodes



In addition to your role as a local board of education member, it is becoming increasingly important for you to be aware of what's happening on the state and federal level regarding education. Gone are the days when school boardsmanship was confined to district boundaries. Today, there are many issues at the state and federal level which affect local school governance. As public officials, your voices must be heard.

You are probably wondering then how you, as a local board of education member, can have an impact on the law-making process. There are basically three ways for a board member to get involved in association legislative activities:

1. Be appointed as the legislative chairperson on your local board of education,
2. Be selected to serve on the NJSBA Legislative Committee, which is comprised of one school board member from each of the 40 legislative districts in the state, and
3. Serve as your board's representative to the NJSBA Delegate Assembly, which is made up of one board member from each of the 611 school boards in the state.

Local Legislative Chairperson

A good way to get involved is to become a legislative chairperson on your local board. The role of the legislative chairperson is to follow legislative activity which deals with education. I like to think of the local chairperson's role in terms of the 4R's—*Receive, Review, Report and Respond*. The legislative chairperson *RECEIVES* all the communications and publications from the NJSBA, *REVIEWS* the material, *REPORTS* to the local board, and *RESPONDS* to calls for action when appropriate. Some of the communications which help the legislative chairperson are *School Board Notes*, a weekly publication containing articles and other information of interest; and *Legislative Day Summary* (blue in color), which includes bills introduced, released from committee, voted on in the assembly or senate, or signed into law by the governor. Another valuable reference tool is the *Legislative Directory*, which is published by the association annually. The legislative chairperson also receives *Legislative Advisories* (in four distinctive colors) with their purpose boldly written across the upper right corner (gray for INFORMATION ONLY, orange for URGENT, and goldenrod for ACTION NEEDED. A pink advisory is sent monthly entitled *Legislative Chairperson's Report*. This advisory, as the title indicates, will facilitate the local chairperson's reporting to his/her local board of education on significant educational issues on a monthly basis.

Legislative Committee

The NJSBA's Legislative Committee is made up of one board member representative and one alternate from each of the 40 legislative districts in the state. These members are selected by the president of the association and serve for a one-year term. The members of the legislative committee act as the grassroots lobbyists who organize and communicate with local chairpersons in their legislative districts to set up district meetings. These members also develop an on-going line of communication with the senator and two assemblypersons from the legislative district which he/she represents. The legislative committee meets monthly to take positions on legislation, thereby guiding the executive director of the association in terms of support or opposition for specific legislation.

Delegate Assembly

Each local board of education has a delegate to the NJSBA Delegate Assembly, which is representative of the 611 school boards in the state. The delegates meet twice a year to discuss and debate resolutions from local boards of education and to hear committee reports. These resolutions call

upon the NJSBA to seek legislation, oppose or amend legislation or to seek changes in the rules and regulations of the state board of education. The resolutions are researched by the NJSBA staff and background and recommendations are provided; then all of this information is sent to each delegate prior to the delegate assembly. Once the delegates meet, confer, and approve resolutions, the resolutions become NJSBA policy. At that point, NJSBA staff draft legislation to meet the intent of each resolution and lobby the bills through the legislative process.

The Legislative Process

It is extremely important for board members to understand the legislative process. The chart at the end of this article graphically depicts the process, indicating how lobbyists can be effective at every step along the way. NJSBA staff is actively involved in the legislative process and lobbies in support or opposition to significant legislation based on positions taken by the delegate assembly. Some of the many activities associated with the promotion of NJSBA legislative goals include testimony at legislative committee meetings and hearings, appearances before the state board of education, attendance at legislative sessions, meeting with the legislators, governor's staff and other departments of state, and providing assistance to individual legislators on positions and proposed legislation.

Grass Roots Lobbying

The NJSBA lobbyists effectively represent boards of education at the state level; however, the association is only as credible as the support that is provided at the local level. It is essential that board members communicate with the legislators that represent them. As the publicly elected or appointed official representing the children as well as the public interest in your community, your input is especially valuable to your legislator. The following are some general guidelines to help interested board members influence education legislation:

1. Read all legislative advisories from NJSBA. They usually contain a description of active bills before the Legislature and often request board members to contact their legislators concerning the proposal.
2. Take the action requested by the association in the legislative advisories, particularly those labeled, URGENT or ACTION NEEDED.
3. Send copies of all your correspondence with legislators to the association. The NJSBA lobbyists will follow up your communications by visiting with the legislators personally at the State House.

Remember, in each legislative session, there are a number of significant issues that affect public education. School board members can sit back and let legislation affect their districts or get involved to influence legislation which is in the best interests of the public and the students they serve. The choice is yours!

The Legislative Process & NJSBA

1 NEED: Local school board recognizes a pressing need for NJSBA action and submits a resolution to the Delegate Assembly.

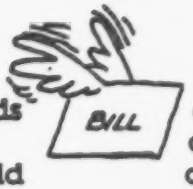
2 BILL DRAFT: If resolution is approved by Delegate Assembly, NJSBA staff researches issue and drafts a bill.

3 SPONSOR: NJSBA's lobbyists request meeting with a legislator they feel will be receptive to the proposed legislation. The legislator introduces the bill either in the Senate or Assembly.

4 REFER TO COMMITTEE: Following introduction, the bill is referred to the appropriate committee by the Speaker of the Assembly or President of the Senate, depending on the house in which the sponsor sits.

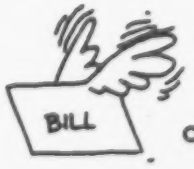
5 DISCUSSION: NJSBA works with sponsor and committee chairman to get bill on committee agenda. If bill is a major one, the NJSBA may ask the Committee to hold public hearings at which an Association officer may testify. Lobbyists monitor all meetings of committee to which bill is assigned.

6 RELEASE FROM COMMITTEE: NJSBA staff attends all committee meetings and presents Association viewpoint on the bill, countering arguments from other groups where necessary. After discussion, committee votes to hold or release the bill. If released, the bill automatically receives second reading.



7 FLOOR DEBATE AND VOTE: Now the bill can be posted for floor vote at the discretion of the Speaker of the House or President of the Senate. NJSBA Legislative Network goes into action, local board members contact their legislators—legislators debate and vote.

8 TO SECOND HOUSE: Procedure repeated either in committee or on the floor, the bill must go back to the original house for approval of ammendments. If amendments are added,

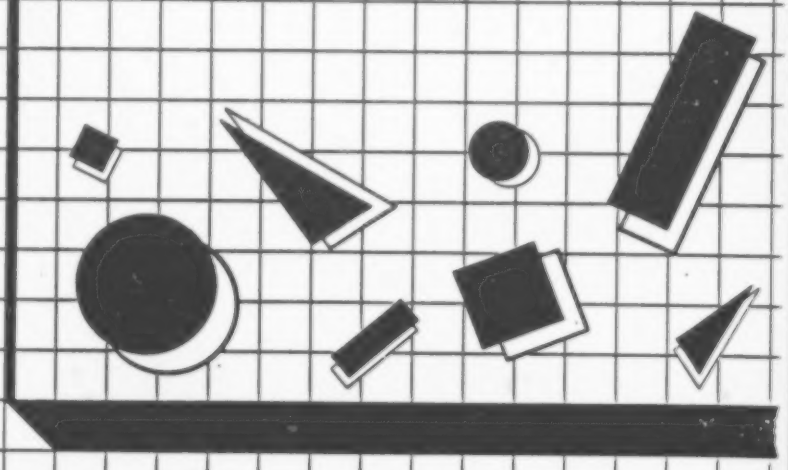


9 TO GOVERNOR FOR SIGNATURE: If bill is approved by both houses, it is sent to the Governor for his signature. Lobbying efforts now focus on the Governor. He has forty-five days in which to act or the bill automatically becomes law.

10 SIGN INTO LAW OR VETO: The Governor may veto the bill ("absolute veto" or "conditional veto"), or sign it into law. If conditionally vetoed, the bill is returned for floor vote in each house to concur with or reject the Governor's amendments or conditions. If both houses concur, the bill becomes law.

The Board and Labor Relations

Dr. Marc Gaswirth



Every school board is a public employer, subject to the state laws governing public employer-employee relations. In New Jersey, Chapter 123, Public Laws of 1975, sets forth the general obligations of public employers and employee organizations, as well as the authority of the Public Employment Relations Commission (PERC).

The Law

The law imposes the following obligations:

- Public employees have the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity.
- Employee organizations (unions) designated by a majority of employees in an appropriate bargaining unit shall be the exclusive representative for collective negotiations concerning the terms and conditions of employment of these employees.
- A majority representative of employees (union) is entitled to act for and to negotiate agreements covering all employees in the unit.
- A majority representative may also initiate grievances on its own behalf as well as represent the interests of employees in the processing of grievances.
- A majority representative bargaining for employees (union) is responsible for representing the interests of all employees without discrimination and without regard to union membership.
- Unions and public employers must meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment of employees.
- When a union and a public employer reach agreement on terms and conditions of employment, those terms and conditions must be included in a signed, written contract.

Who is Entitled to be Represented Under the Act?

The law contains a very broad definition of employee. This definition appears to include all public employees other than certain named exceptions, called exclusions. Excluded employees may not be included in any bargaining unit. In addition, they have no right to engage in union activity and may be disciplined for doing so. Those exclusions relevant to a school district are managerial executives and confidential employees.

Managerial Executives In a school district, a "managerial executive" is defined to include only "the superintendent or other chief administrator, and the assistant superintendent of the district." If a district employs more than one assistant superintendent, it is generally accepted that all assistant superintendents are included in the definition of "managerial executive" and are therefore excluded from coverage under the act. Elsewhere in the act, an employee who is the equivalent of the superintendent is included within the term "managerial executive." This term certainly applies to administrative principals.

Confidential Employees "Confidential employees" are those district employees whose job responsibilities and knowledge with respect to issues involved in collective negotiations cause their membership in any appropriate negotiating unit to be incompatible with their official duties. A "confidential" employee must have actual knowledge, gained through his or her on-the-job duties, of the issues involved in collective negotiations in that district. Secretaries directly working for district personnel who actually negotiate or serve on a committee planning negotiations would be excluded if they had access to planning negotiations. Individuals who have *regular, not casual or infrequent, access* to confidential files as an ongoing part of his or her work responsibilities might also be excluded. In determining whether an employee is a "confidential employee" PERC will look, not merely at the employee's job description, but at the actual work that that employee performs.

Supervisors Unlike the private sector, New Jersey's public sector bargaining law permits supervisors to bargain collectively. The law defines the term "supervisor" as someone who has "the power to hire, discharge, discipline, or to effectively recommend the same." Administrative and supervisory personnel who conduct evaluations of teaching personnel often have the power to effectively recommend discharge or discipline. Before PERC decides that such administrative personnel are supervisors, the board must establish that it does consider and frequently follow the recommendations its administrators present to it. Although supervisors may be represented in their own units, they may be precluded from being represented by an organization which also represents nonsupervisory personnel. The act provides for exceptions to the above rule which excludes supervisors from employee organizations that also represent nonsupervisors. These exceptions arise "where established practice, prior agreement or special circumstances, dictate the contrary." For the "established practice" or "prior agreement" to be applicable, it must have been established or agreed to prior to July 1, 1968—the effective date of Chapter 303. Even so, a district stands a good chance of removing supervisors from nonsupervisory bargaining units if it can establish a potential or actual conflict of interest. "Special circumstances" are rarely found, and have limited application to school districts.

Negotiating Committees and the Board of Education

The local school board commonly uses a numerical minority of the entire board to represent it in negotiations. The committee is made up of board members, at least one upper-level administrator, and possibly the board attorney or a professional negotiator. They perform the arduous task of narrowing differences and seeking compromises on the wages, hours and working conditions.

Local factors largely determine the composition of the committee. (For an extensive discussion of the selection and composition of the negotiating committee, see *Collective Negotiations*, by Dr. Marc Gaswirth and Garry Whalen, New Jersey School Boards Association, 1983 and "The Board President and Labor Relations" by Dr. Marc Gaswirth in the *Handbook of Effective Board Leadership*, New Jersey School Boards Association, 1985.)

The following points about committee selection should be highlighted:

- ***You can use anyone to represent the district in negotiations***—The PERC law guarantees that both employers and unions can freely select their own negotiators. Attempting to force the other side not to use an individual as a member of the team is an unfair practice.
- ***Individual board members or administrators should not deal with contract negotiations problems unless authorized to do so by the board or its committee***—A favorite union tactic during negotiations is to try to approach individual board members and administrators about bargaining problems. Sometimes, the union leader will contact a board member, assuring that person that the union recognizes him or her to be "responsible" and "not like the others." Board members unwittingly may encourage this union tactic by outwardly showing sympathy for a quick settlement. Moreover, board members should not argue the board's position with union representatives because they may use arguments never before raised, or might find themselves contradicting the committee. Worst of all, they may end up making a commitment that the board may not carry out. Unless the board directs a member to speak on its behalf, that member should inform anyone who attempts to deal directly with him/her that they are violating the PERC law by bypassing the board's representatives. This also applies to negotiating committee members who, in a given instance, are not specifically authorized to speak for the board.
- ***Under certain circumstances, your negotiating committee can bind the entire board to a contract***—Several years ago, PERC held that a board may be bound by the tentative agree-

ment reached by its representatives. The decision in part reads:

We can conceive of no reason why the parties are not bound by the agreement reached by their representatives, and should not therefore take the remaining step required by the Act, that is, execute a formal writing representing the agreed-upon salary guide.[1]

In this case, the board authorized its team to act on its behalf. After the team agreed to a memorandum of agreement, the board unanimously rejected it. The board argued that, as a governmental entity, it can only take actions in public by a majority vote. PERC rejected that argument saying that the PERC law clearly allows the employer to act through its "agents."

In another case, a PERC hearing examiner, noting that there was no written limitation on the authority of the board's negotiating committee to reach a final agreement, held that the entire board was bound to that tentative agreement.[2]

PERC also has ruled that the same standards apply to unions. A union bargaining team can bind its members and waive the membership's right to ratify or reject an agreement. The decision also stated that a past practice of retaining the right to have the members vote on a tentative agreement is not sufficient, but that each team is required to state in negotiations that the bargaining team cannot bind its full constituent body to accept the tentative agreement.[3]

Can the authority of the board's team be limited? Yes. A party may limit the extent of its agents' authority. One way is to send a letter to the union prior to the first negotiating session.

Here is a sample letter that might be sent to the union prior to negotiations:

The Board of Education has selected the following individuals to be members of the Negotiating Committee of the Board:

(insert names) _____

The Board hereby authorizes this Committee to enter into discussions with (enter name of the union) concerning a successor contract for the (enter school year) for the unit which includes all (list the job classifications in the contract.)

The Negotiating Committee is directed to act in good faith on all matters relating to a successor contract. The Board of Education reserves to itself the final and ultimate authority concerning any agreement to a successor contract.

The Board's position in this matter is based upon its understanding of its public obligation and its obligations under Chapter 123, Public Laws of 1974.

Another way is for the board's negotiating committee to indicate the same at the first negotiating session.

The board's committee must have the entire board's confidence. The committee must only make movement within the guidelines that the board establishes. The committee should regularly report back to the board in closed session on the progress of negotiations. The board should not wait until the conclusion of negotiations to raise questions about tentative agreements. Also, committee members should never place themselves in the position of publicly voting no on the agreement unless they have indicated their opposition prior to the signing of the tentative agreement.

Board members must remember that discussions concerning negotiations are highly confidential. Failure to treat them as privileged information could seriously jeopardize the board's bargaining position. Remember, no one but the individual designated by the board to speak about negotiations is authorized to say anything about the board's objectives or strategy.

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[1]*Bergenfield Board of Education and Bergenfield Education Association*, PERC No. 90, decided July 21, 1975.

[2]*East Brunswick Board of Education and East Brunswick Administrators Association*, PERC No. 77-6, decided August 24, 1976.

[3]*Black Horse Pike Regional School District Board of Education and Black Horse Pike Regional Education Association*, PERC No. 78-83, decided July, 1978.

The implications of these PERC decisions are obvious. Should boards take negotiations lightly, they may make serious bargaining errors. Given the fact that, on the average, over 70% of the school budget is expended on salaries and benefits covered by the bargaining agreement, it is crucial that boards be well-versed in their negotiations responsibilities.

Preparing for Bargaining

The "preparing to bargain" phase of negotiations is made up of the following steps:

- ***Selection of a committee***—The board should decide whether to employ the talents of a professional negotiator or an in-house staff member such as a director of personnel or labor relations, what the role of the superintendent and administrative staff should be, and who on the board would be best suited to serve on the negotiating committee.

  One of the most common mistakes is minimizing the importance of who should serve on the committee. Generally speaking, the newest board members should not be given primary responsibility for negotiations. The chief spokesperson, if a board member, should be a reliable, experienced member of the board, familiar with the bargaining process, general board functions, budgeting procedures, school district operations and the general tenor of the staff. He/she also should be someone who can articulate the board's position, forcefully if need be, but who also can maintain the dignity of the position at all times.

  If a board finds itself without individuals with negotiations experience, it should seriously consider using an administrator trained in labor relations or hiring outside assistance.

  Treating this component of "preparing to bargain" too lightly may produce confusion, upheaval, hard feelings, or much worse, a poorly executed agreement that may be very expensive to correct in the future.

- ***Administrator input***—Many boards realize that the negotiated agreement has a profound impact on daily school district operations. The district's administrative staff is best able to advise the board as to which, if any, contractual provisions have created operational difficulties. The staff should share this information with the superintendent, who, in turn, will share it with the board before negotiations begin.

  The superintendent or his representative should be deeply involved in the analysis of both the current agreement and the initial union demands. As the educational and administrative leader of the district, he should be attuned to teacher aspirations and carefully balance staff morale with the school district's needs. This individual should serve as an advisor to the board in the negotiations planning stage and during the process itself. The superintendent or a designated representative should be present during negotiations. His presence is critical, especially if a need arises to determine whether agreement over a contract clause would adversely affect school district operations; however, the superintendent should not, except in very special circumstances, negotiate directly. It is extremely difficult for any individual both to participate in the adversary process of negotiations while seeking to establish and maintain a working rapport with the staff, a necessary function of any educational and administrative leader.

- ***Reviewing grievances***—An excellent way to assess the effectiveness of a contract is to review grievances filed during the life of that contract. Grievances will usually fall into one of three categories: (1) a legitimate and conscientious objection to some action taken by management, (2) technical grievances primarily for enforcement of the document or a show of strength, and (3) nuisance grievances designed to interrupt operation or discredit an administrator. The majority of grievances, regardless of merit, fall into the first category.

  District administrators should identify grievances in the latter two categories to carefully analyze what clauses need to be changed. This approach may close "loopholes" from which

these grievances arise. Although it is difficult to completely eliminate grievances of this nature, district personnel can, and should, take these steps to minimize their impact.

- ***Personnel profile***—During negotiations, a scattergram must be developed. It is an important aid to assess the budgetary impact of teacher salary demands as they are presented. The board may ask the board secretary and/or business administrator to begin work early on a scattergram and salary comparisons as these are essential tools in the preparation process.
- ***Initial board proposals***—School boards commonly make initial negotiations proposals to correct trouble spots as they appear in the agreement. If necessary, a board should seek substantive revisions. This requires study and a great deal of hard work. In terms of developing a sound labor relations approach, it is, nonetheless, time well spent. The prime sources of input for board proposals are the district's administrators who know which parts of the present contract work well for them and which parts interfere with their ability to operate an efficient educational system.

Summary

- Choose a bargaining team made up of board members who are interested and experienced in collective bargaining. Seriously consider whether your board requires professional assistance prior to or during negotiations.
- Use your chief school administrator and your administrative staff. Find out what problems they have encountered under the present contract. What contract clauses severely limit the educational program? What clauses have proved impossible to follow? Ask the superintendent to talk to other upper- and middle-level administrators about the union's demands, and report their reactions. Their input is important because the administrative staff must live with any new contract. Very often they alone can measure the negative impact of a specific clause.
- Direct your superintendent or administrative principal to develop the data the board requires to explain its positions. Larger districts may require information from the business administrator. Once you have copies of the union's demands, you should analyze the potential cost of agreement on each of these proposals.
- Seek information from other school districts and the NJSBA on data that you may require.
- Review grievances filed under the last contract. Do they show a particular problem? What can you do to eliminate or reduce that problem?
- Each bargaining committee member should be familiar with NJSBA's annual *Negotiations* series publication, which analyzes the NJEA sample agreement and discusses developments under the PERC law. Committee members also should discuss the weaknesses and dangers of certain contract language as described in this book as well as in other NJSBA publications. They also must establish the board's contract demands.
- Attempt to set up a realistic negotiations procedure. It is only reasonable that the negotiating committee will require more time if your union makes many new demands. Avoid hasty decisions under false, "high pressure" deadlines. Don't get caught bargaining over items which you don't really understand.
- Try to set a pattern in the beginning. Your actions prior to and during negotiations should indicate that the board has clear goals with respect to the negotiations, that it knows the facts, and that it intends to bargain in an unemotional, logical manner.

Effective Bargaining

The "art" of collective negotiations is partly learned through understanding the governing laws, PERC and court decisions, and through the experience of participation in the negotiations process as an observer. It is also partly intuitive. Because of the complexity of the process, approximately 30% of school boards hire professional negotiators. A new school board member should not function as the board's spokesperson at the table, unless he/she has had previous experience in public or private sector labor negotiations.

Analysis of Employee Demands The professional negotiator or the negotiating committee should analyze the union's demands prior to the first negotiating session, if possible. Each item or clause must be considered in terms of its fiscal and/or operational impact on the school district. Language should be carefully studied for intent, precision, and effect. The professional negotiator or the committee should consult with the superintendent as to the impact of the demands on the operation of the schools. Because the contract will be legally binding on the district, the importance of careful contract language cannot be overemphasized. NJSBA's *Contract Administration* book is a valuable resource on this subject.

In addition to the obvious financial demands, many other so-called non-economic demands may have hidden costs. These may include demands such as additional preparation periods, personal days, sick days, etc. These demands, if granted, could require a district to hire additional staff or to pay more for substitutes.

Compensation Is More Than Salary Salary is just one component of an employee's compensation package. Fringe benefits, including health, prescription and drug plans, personal days, vacation time, and sick days, invariably cost the school district money. In the case of additional sick leave, for example, a district may have to pay more in increased substitute teacher costs because employees may use more sick days.

Agreeing to items which have no apparent direct cost still may have indirect costs. For example, the board and the union commonly share the cost of the arbitrator's fees, and the board also must pay the cost for its professional representative in arbitration.

All Districts Are Not Comparable Many school districts compare their level of employee compensation to surrounding districts. Others look at districts of comparable size, grade pattern or enrollment. Such comparisons are common and useful to a point because they give the board a needed perspective of where the settlement should fall. Districts should be wary of inappropriate comparisions such as comparing your district with one in a different county or with a different enrollment grouping.

Establishing Guidelines for Settlement After carefully analyzing the union's demands, the negotiator or committee should discuss with the entire board the board's view of settlement. These discussions should take place in private as an exemption under the "Sunshine Law" and should set limits within which the negotiator or committee will attempt to reach settlement. The committee could identify union proposals as acceptable, possibly acceptable, and unacceptable; however, such preliminary positions should be somewhat flexible. As negotiations progress, the board may change its position. It is essential that the board clearly establish the boundaries for settlement and provide this direction to its negotiator or committee.

Impasse

An impasse is defined as a point during negotiations where further meetings and discussion regarding the outstanding issues would prove unproductive. Chapter 123 provides a mandatory impasse procedure used in the event the parties have not reached agreement over the terms of a successor

contract. Because public employees in the State of New Jersey do not have the right to strike, the Legislature has determined that a suitable alternative was needed for the resolution of any impasse that might occur during the process of collective negotiations. Two procedures exist: mediation (where the mediator tries to persuade the parties) and factfinding (where the parties try to persuade the factfinder). PERC assumes the costs of mediation, while the two parties must share the expenses of factfinding.

Mediation Upon the request of one side or both sides, PERC will usually assign a third party neutral who attempts to help the parties reach agreement. *A mediator has no authority or power to make recommendations which are binding on either party.* His function as a neutral government representative is to assist and guide both parties toward arriving at a mutually acceptable compromise. He is not concerned with fairness or imposing upon the parties his own personal value judgments as to what he believes would be the most equitable agreement. The parties' interests are at stake, and the neutral's role is to encourage a settlement. His goal, simply, is to assist the parties to reach an agreement which is acceptable to them.

If the parties do not reach agreement during mediation, the mediator may recommend to PERC that factfinding be invoked to resolve the ongoing impasse.

Factfinding Factfinding is a formalized procedure used in those cases where settlement is not achieved during mediation. Through the parties' oral and written presentations and relevant supporting evidence, the factfinder examines the dispute and then issues written, nonbinding recommendations to resolve the continuing impasse.

In most cases, the factfinder will initially function as a mediator to effect a voluntary settlement. If the parties object to any additional mediation, he will commence the quasi-judicial procedures. After the hearing the factfinder will issue written findings of fact and recommend the terms of a settlement. *A factfinder's report and recommendations are advisory and nonbinding on both parties.*

Factfinding is less the finding of facts than it is the finding of acceptability. Because the parties are free to reject the factfinder's recommendations, the factfinder must be sensitive less to issues of equity than to those of acceptability. Moreover, factfinding is, by definition, a conservative process in that factfinders will rarely attempt to break new ground by issuing recommendations that fall outside of what other districts have agreed to or are agreeing to.

The Factfinding Hearing The factfinder conducts a hearing in which he inquires and hears testimony regarding the issues remaining in dispute. The factfinding hearing can be either formal or informal depending upon the style the individual factfinder employs. In either case, the hearing is quasi-judicial in nature, and cannot be conducted in public unless both parties and the factfinder agree.

The factfinder has the authority to subpoena witnesses and compel their attendance, administer oaths and take sworn testimony or the deposition of any person under oath, cross-examine witnesses, and require the production and examination of any governmental books, or other books or papers relating to any matter before him. Most factfinders conduct informal hearings and do not exercise these powers.

Supermediation In a strike or near strike situation, PERC may assign a supermediator to a dispute. This individual is experienced in handling this kind of dispute, which requires immediate attention. Again, this individual has no power to impose a settlement on the parties. His authority is no different than that of any other mediator.

Unfair Practices

Chapter 123 authorizes PERC to hear and rule on unfair practice charges. Unfair practice charges

can be filed by the board, by an employee organization, or by an employee. Most charges are filed by employee groups against employers, in many cases as a tactic or strategy to convince their members that they are doing a good job for them or to pressure the board.

The Meaning of Good Faith Bargaining PERC determines on a case-by-case basis whether a school board and an employee organization have bargained in good faith. The standard used to determine whether the parties have bargained in bad faith is often referred to as the "totality of conduct" test. Applying the test involves asking such questions as: Did one party refuse to meet at reasonable times to negotiate? Did a party seek extensive postponement of meetings? Did one party refuse absolutely to discuss the other side's proposals?

Boards have the right to maintain strongly held positions. In a private sector case that reached the federal court level, the court noted, "The employer may have either good or bad reasons for insistence on the inclusion or exclusion of a proposed contract term. If the insistence is genuinely and sincerely held, if it is not mere window dressing, it may be obtained forever though it produces a stalemate."

The obligation to bargain in good faith does not imply an obligation to concede on any specific issue.

If one party makes a demand, the other side is not required to agree entirely or partially to that demand. The union may demand a comprehensive dental plan. The board estimates the cost of the plan to be prohibitive and rejects the union's demand. The board does not have to offer a modified dental plan to meet its obligation to bargain in good faith. The board could respond that a dental plan would be acceptable if there were a commensurate reduction in the salary increase or if the union would agree to certain other changes that the board has proposed. Even these actions are not required by the law.

Quite clearly, the object of both parties at the bargaining table should be to reach a mutually acceptable agreement. This goal is not inconsistent with the well-established principle that no party can be forced to concede on a point it believes unacceptable. The appearance of bad faith in bargaining increases, naturally, as one party rejects outright, without discussion or consideration, the other side's demands. But an accurate analysis of bargaining situations in public education in New Jersey reveals very little bad faith bargaining during actual negotiations.

The union's obligation to bargain in good faith is no different than the board's obligation.

Many boards know that their own demands and their responses to the union's demands, known as counterproposals, are critical parts of their overall bargaining strategy. Unions may accuse boards of bad faith bargaining, but such charges indicate either a basic misunderstanding of the bargaining process or a growing displeasure that boards are becoming more sophisticated in negotiations. In fact, the union's obligation to consider the board's proposals is no less important than the board's obligation to consider the union's proposals. In addition, a board is not limited to reacting to the demands of the union. They can, and should, make initial proposals to change contract terms.

The following is a selected bibliography of labor relations resources to assist new board members. The three labor relations entries in the *School Board Library Series* are geared especially to New Jersey school board members: Volume 5, *Collective Negotiations;* Volume 6, *The PERC Law;* and Volume 7, *Administering the Negotiated Agreement.*

A SELECTED BIBLIOGRAPHY

ABODEELY, JOHN E., RANDI C. HAMMER and ANDREW L. SANDLER. ***The NLEB and the Appropriate Bargaining Unit.*** Philadelphia, Pennsylvania: The Wharton School, University of Pennsylvania, 1981, 359 pp.

ELKOURI, FRANK, and EDNA ASPER ELKOURI. ***How Arbitration Works.*** Third Edition. Washington, D.C.: The Bureau of National Affairs, 1973, 819 pp.

GASWIRTH, MARC, and GARRY WHALEN. ***Collective Negotiations.*** Trenton, New Jersey: New Jersey School Boards Association, 1983, 122 pp.

GASWIRTH, MARC, GARRY WHALEN and CATHLEEN OTTO. ***Administering the Negotiated Agreement.*** Trenton, New Jersey: New Jersey School Boards Association, 1980, 200 pp.

GASWIRTH, MARC, WILLIAM M. WEINBERG and BARBARA E. KEMMERER. ***Teachers' Strikes in New Jersey.*** Metuchen, New Jersey: Scarecrow Press, 1982, 166 pp.

IGOE, JOSEPH A., and DOUGLAS M. FLYNN. ***The School Board Negotiator: Guidelines for Effective Teacher Negotiations.*** Albany, New York: Thealan Associates, Inc., 1972, 189 pp.

JOHNSON, HOMER M., and WILLIAM W. MONAHAN. ***School Strike: Preventive and Emergency Procedures.*** Morristown, New Jersey: Robert F. Strauss and Associates, 1975, 92 pp.

LIEBERMAN, MYRON. ***Bargaining.*** Chicago, Illinois: Teach 'em Inc., 1979, 333 pp.

O'NEIL, ROY. ***Counterproposals for School Boards in Teacher Negotiations.*** Aurora, Illinois: Countersearch, 1972, 255 pp.

PATTERSON, LEE T., and JOHN LIEBERT. ***Management Strike Handbook.*** Chicago, Illinois: International Personnel Management Association, 1974, 43 pp.

SIMKIN, WILLIAM E. ***Mediation and the Dynamics of Collective Bargaining.*** Washington, D. C.: The Bureau of National Affairs, Inc., 1971, 410 pp.

WHALEN, GARRY M., CATHLEEN OTTO and BRUCE TAYLOR. ***The Public Employment Relations Law.*** Trenton, New Jersey: New Jersey School Boards Association, 1979, 103 pp.

Work Stoppage Strategies. AASA Executive Handbook Series VI. Arlington, Virginia: American Association of School Administrators, 1975, 55 pp.

BULLETINS, PAMPHLETS, REPORTS and ARTICLES

AMERICAN ARBITRATION ASSOCIATION, ***Voluntary Labor Arbitration Rules of the American Arbitration Association.*** New York, New York: 8 pp.

GASWIRTH, MARC. "The Board President and Labor Relations," ***Handbook of Effective Leadership.*** Trenton, New Jersey: New Jersey School Boards Association, 1980.

KUNDER, LINDA H. ***Contingency Planning for Teacher Strikes.*** Arlington, Virginia: Educational Research Service, Inc., 1980, 58 pp.

WARY, CURT. ***Costing Out the Labor Agreement.*** Trenton, New Jersey: New Jersey School Boards Association, 1982, 27 pp.

SIEGAL, BOAZ. ***Providing Your Arbitration Case.*** Washington, D.C.: Bureau of National Affairs, Inc., 1967, 48 pp.

VOGT, KATHLEEN R. ***An Analysis of Teachers' Contracts in New Jersey, 1984-85/1985-86.*** Trenton, New Jersey: New Jersey School Boards Association, 1985, 102 pp.

ZACK, ARNOLD. ***Understanding Grievance Arbitration in the Public Sector.*** Washington, D.C.: U.S. Department of Labor, 1974, 37 pp.

Understanding Factfinding and Arbitration in the Public Sector. Washington, D.C.: U.S. Department of Labor, 1974, 38 pp.

REGULAR PUBLICATIONS DEALING WITH NEGOTIATIONS

(These may be ordered on a subscription basis from the respective publisher)

American Arbitration Association. ***Arbitration In The Schools.*** 140 West 51 Street, New York, New York 10020, issued monthly.

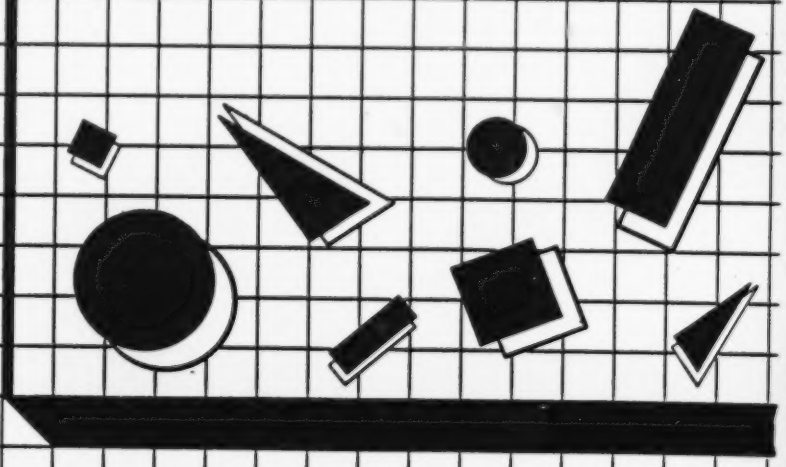
Bureau of National Affairs, Inc. ***Government Employee Relations Report.*** Washington, D.C. 20037, issued weekly.

Labor Relations Press. ***New Jersey Public Employee Reporter.*** P.O. Box 479, Fort Washington, Pennsylvania 19034, issued biweekly.

Negotiations Management Service, a Division of Educational Services Bureau, Inc. ***Negotiations Management.*** 1835 K Street, N.W., Washington, D.C. 20006, issued monthly during the school year.

New Jersey School Boards Association. ***Index and Analysis of PERC Decisions.*** P.O. Box 909, 413 West State Street, Trenton, New Jersey 08605-0909, monthly supplements, semi-annual index updates.

Foundation of a Public Relations Program



There are six basics to consider if your school public relations program is to serve both the school district and the public. They include the following:

A School Program Worth Selling

The purpose of school public relations is to win the support and involvement of the community. The first essential is that the school system agrees on a philosophy of education—one which embodies the ideals and aspirations of the public—and on a set of goals for the system which expresses the philosophy. The second essential is that the school system devises the best school program possible, with the resources available to it, to reach the goals. The PR program should never be used to cover up a poor educational program or a badly run school system. A school system that turns out graduates who are prepared to function effectively as citizens and to be productive individuals is bound to gain favor with the community. If the system fails to do a good job educationally, no communications program, regardless of how well devised, can be successful.

Commitment

The school district must believe in the value of a school communications program and be willing to commit the resources and the time necessary to make it work. This commitment must be communicated to and shared by the entire school community.

Policy

The school board should express its commitment to an ongoing thorough school public relations program by establishing a written, formal policy. The policy should spell out the educational philosophy and objectives of the district. It should clearly explain that the communications program is an integral step in attaining the district's educational goals and, as such, is recognized as an important responsibility. In addition, the PR program should be allocated an appropriate share of the district's resources.

Responsibility

It should be made clear who will be responsible for carrying out the district's policy. The type and scope of the PR program will depend, of course, upon local district conditions—the character of the community, available resources, etc. Although a district may not be able to afford a PR director or full-time PR practitioner, someone in the school system should be responsible for the public relations program.

A resourceful person will find many able people in the schools, and many talented citizens in the community, who are willing to be involved in and capable of assisting with the PR program on a voluntary basis. A PR committee composed of citizens representing various groups can be a distinct asset to the program, particularly in providing feedback about the effectiveness of the PR effort.

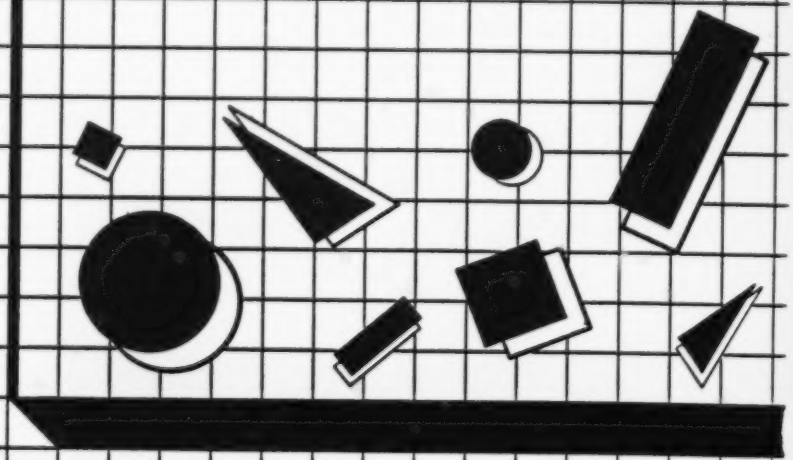
Carefully Planned Program

A balanced, effective, two-way PR program must be devised: one which embodies the school district's educational philosophy, is based on complete and accurate information, uses effective techniques directed toward appropriate publics, and takes advantage of the most effective media.

Evaluation and Follow-Up

Appropriate steps should be taken to measure the effectiveness of the PR program and to determine if the school district is getting value for its PR dollars.

How School Board Members Can Deal Effectively With the Press



A recent Gallup survey concludes that Americans are so ill informed about education that little, if any, pressure is exerted by them to make improvement or is likely to be exerted until they are more knowledgeable in this area.

Ask an educator or board member where a major fault lies, and he will probably point at the newspaper for being more interested in sensationalizing the news and emphasizing trivia than in covering the schools objectively and in depth.

Ask a newsman, and he no doubt will claim that the educator or board member is to blame because of his failure to recognize the nature of news and the needs of the newspaper.

Obviously, the schools and the press share mutual responsibility for communicating information about education. Unless both parties strive to develop a working relationship in this critical area, the public will remain uninformed and little pressure will be exerted for massive support of educational improvement.

To develop this relationship, both sides must deal with the root of the problem—the mutual sense of mistrust that often exists. Many reporters feel that school leaders and board members are suspicious of them and treat them as irritants to be endured. School officials often argue that their skepticism of newsmen is warranted by what they see as "careless" and "irresponsible" coverage of school news.

Unfortunately, the stalemate will continue until at least one party makes an effort to understand the specific needs of the other. Educators and board members might take the lead by realizing that:

- the newspaper considers itself a "watchdog" over the use of public funds and feels a responsibility to the public to keep a vigilant eye over how these funds are spent. In a democracy a certain amount of tension will always exist between the schools and the press.
- the average reporter is not interested in sensationalizing news to sell more papers, as many laymen believe. He reports controversy mainly because he believes it to be in the public interest to let his taxpaying readers know when honest differences of opinion exist.
- most reporters are under orders from editors to cover the news accurately and to explain what it means. However, these functions are sometimes thwarted by complacent or biased reporters and by sources given to suppressing or camouflaging the truth.
- smaller newspapers are often short of competent staff and must use inexperienced reporters to cover board meetings and other school developments. The problem is compounded by school districts too busy or too inconsiderate to spend time with reporters to explain complex stories or to provide appropriate background materials.
- whether school officials like it or not—the press as the community's "alter ego" will continue to monitor school districts as described above. If educators and board members refuse to face reality and improve press relations, educational improvement will suffer.

As a first step, school officials might consider improving two areas where criticism is greatest—inaccessibility to newsmen and failure to describe things in simple terms.

Reporters often complain that educators and board members go out of their way to get favorable publicity but make themselves scarce when unfavorable news has developed. They argue that officials must realize that newspapers must report both the good and the bad in the public interest.

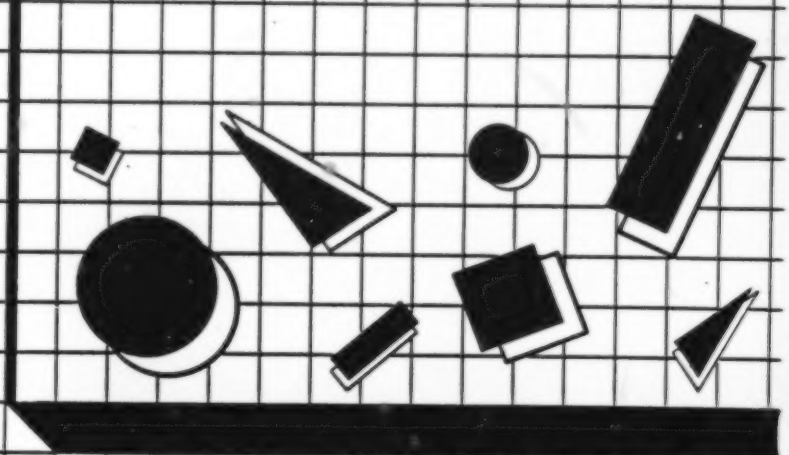
Guidelines for Meeting the Press

The key to an effective working relationship with the press begins with designating a single spokesperson who represents the board of education. This spokesperson should keep the following items in mind as guidelines for meeting the press:

1. If you *can* answer a reporter's question in your area of responsibility, *do so*, honestly. Don't guess. Don't speculate. Be specific. Don't be defensive.

2. A prompt response to meet media deadlines is important. However, it is also important that the desired news coverage be released at an appropriate time to meet the needs of the school district.
3. All reports and surveys are public property. You may *not* withhold such data when they are requested—even though you believe the reporter is going to use the material to hurt a program. You do not have to release rough drafts, working papers, preliminary figures, or notes. You may if you wish.
4. Too often program administrators want to pick their own time for publicity, especially when the project is fully completed. Preliminary publicity about a program enhances the likelihood that it will get public attention when it is complete. Don't pass up opportunities because your project isn't tied up in a neat package.
5. It is usually not necessary to be auditor-accurate with figures. Good round numbers will do.
6. Always avoid educational jargon.
7. Don't be afraid to say, "I don't know, I'll call you back in 10 minutes." And don't forget to call back. You may want to collect your thoughts, consult with your immediate supervisor, or call the supervisor of informational services. But call back!
8. Remember, nothing is off the record. A reporter is not engaging in a private conversation. He is *news gathering. That's his job.*
9. If not sure of the information requested refer the reporter directly to the source of information.
10. Never ask a reporter to show you his story before it is published. If you think parts need emphasis, say so in the interview. Most reporters will be sympathetic. But you must remember that a reporter's first responsibility is to the general public and his publishers... *not* to program objectives.
11. When you have responded to an inquiry that is substantive, promptly notify the administrator responsible for public information services. Board members should provide information to the press *only* through the board's designated spokesperson. Apparent contradictions in information could be the focus of the reporter's story unless a "clearinghouse" helps keep the story straight.
12. Establish a policy that lets both the press and the school staff know who speaks for the schools.
13. Get to know editors on an informal basis. Meet with them at their convenience to discuss school problems.
14. Be sure reporters have an agenda of your board meeting long enough in advance to enable them to write an accurate story. They will not break the story prematurely if they understand the information is given to them in confidence and for their convenience.
15. Give reporters background information about important school stories if they wish it and will accept such information.

A Selective Glossary of Education and Budget Terms



This Glossary is designed to provide a listing of terms used in education and in educational budgeting practices. Also included are listings of organizations often referred to by their initials, and acronyms common to the educational field.

We hope this listing will serve as a continuing reference for you as you carry out your board of education responsibilities.

AASA
American Association of School Administrators

AAUW
American Association of University Women

Accountability
A process designed to determine whether schools are producing the results promised. Schools are responsible for the successes and failures of their students.

Accounts Payable
Unpaid balances or invoices that a school system owes and which are due.

Accounts Receivable
Unpaid balances or amounts owed to the school system.

Achievement Test
A test which measures the extent to which a student has acquired and can demonstrate certain skills and proficiencies which are usually a result of instruction.

ACLD
Association for Children with Learning Disabilities

ACLU
American Civil Liberties Union

Ad Hoc
A committee formed for a specific purpose, for a limited length of time. Often made up of community members brought together to study a particular problem and write a report on it for the board of education.

ADA
Average Daily Attendance. A formula derived by taking the sum of the days attended by each student enrolled and dividing by the number of days school is in session. Usually figured for the period of one school year.

Administrative Code
The body of rules and regulations enacted by a state board of education or the chief executive of a state system, under statutory authority, to govern the operation of the public schools in that state.

Administrative Order
A written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

Administrative Policy
A statement adopted by a board of education or an administrative agency outlining principles to be followed with respect to a specific matter. Usually requires rules or regulations be adopted for its implementation. Should be broad enough to provide for administrative leeway in its implementation, although the fact that it be implemented in some manner is mandatory.

AFSCME
American Federation of State, County and Municipal Employees (AFL-CIO)

AFT
American Federation of Teachers (AFL-CIO)

AG's Opinion
Attorney General's opinion

Agency Shop
A situation in which each member of a bargaining unit bears a portion of the cost of representation, regardless of whether or not that employee is a member of the union.

Amortization
Gradual payment of an amount of debt principal owed.

Appropriation
An authorization by a legislative body (tax levying body to the board; board to staff) to make expenditures and incur obligations for specific purposes (up to a limited amount and within a specified time).

Arbitration
A method of settling disputes through recourse to an impartial third party whose decision can be binding. Arbitration is commonly resorted to in the interpretation of existing contract terms or other rules and regulations (grievance arbitration). It can also be used in jurisdictional matters when parties cannot reach agreement on a contract (interest arbitration).

Articulation
In a school system, the communication among elementary, junior high, and high schools concerning curriculum, student needs, and achievement. Usually accomplished by principals, department heads, and guidance counselors.

ASBO
Association of School Business Officials

ASCD
Association for Supervision and Curriculum Development

Assessed Valuation
The standard by which the worth of taxable property within a community is measured.

Assets
Property owned or obligations against others that can be applied to cover liabilities.

Audit
An examination of documents and procedures to ascertain that school operations have been

handled accurately, legally, and responsibly.

Audit Report
A statement prepared by an auditor to tell the scope of the audit; whether school financial documents and procedures conform to generally accepted school accounting principles; the auditor's opinions of, recommendations for, and explanations of the system's financial picture.

Balance Sheet
A statement to show the assets, liabilities, reserves, and equities of a fund or the school system as of a given date.

Bond
A written promise to pay a specified sum of money (face value) at a fixed time in the future (date of maturity) and carrying interest at a fixed rate, payable periodically (usually semi-annually).

Bond Premium
The excess of the price at which a bond is sold over the face value of the bond.

Budget Cap
The limitation on the annual increase in the net operating current expense budget allowed in each district.

Business Manager
A non-certificated position held by a person essentially responsible for buildings in Type I districts. The title may also be used to indicate a person responsible for business administration in a district, though that has become relatively uncommon in New Jersey. Reports to the superintendent.

Bylaws
Collection of rules adopted by a board of education for the regulation of its own organization. They must not conflict with statute, but may be more specific than statute.

Capital Outlay
Expenditures which result in the acquisition of fixed assets or additions to fixed assets; i.e., land, existing buildings, improvement of grounds, construction or remodeling of buildings. Includes installment or lease payments on property (except interest) which have a terminal date and result in the acquisition of property.

Career Education
A curriculum which provides a broad examination of professional and vocational opportunities, as well as concentrations within several clusters of career skills and interests.

Categorical Aid
Monies provided to a district for the exclusive purpose of funding programs which meet the needs of specifically identified students.

CATV
Community Antenna Television. A system allowing a community to use one antenna via coaxial cable. Potentials for local programming are unlimited.

Caucus
A closed meeting for the members of a political party for the purpose of determining policy for the party. In negotiations, a closed meeting for members of one side in the negotiations for the purpose of discussing strategy and issues in the bargaining.

Cognitive Learning
The acquisition of knowledge by the application of an intellectual process, as opposed to emotional or physical activities.

Cohort
The group of individuals, each with similar characteristics, which is the subject of a longitudinal study.

COL
Cost of Living

Collective Bargaining
Negotiations between the representatives of employers and employees to develop a contract specifying the conditions of employment.

Commissioner of Education
New Jersey chief state school officer, appointed for a five-year term by the Governor with the advice and consent of the Senate. Serves as Secretary to the State Board of Education and head of the Department of Education. Actions are appealable to the State Board of Education.

Community School
A school which is intimately involved with the life of the community around it, serving as a center for many activities outside of the normal educational hours. Programs can include health clinics, athletic activities, adult schools, mental health groups, senior citizen organizations, etc.

Compensatory Education
Instruction designed to remedy or prevent the loss of basic skills by a student due to socio-economic or academic deficiencies.

Competency-Based Education
Instructional programs designed to develop and measure the mastery, by students, of specific skill performance levels.

Computers

Basic
Beginners All-Purpose Symbolic Instruction Code. A high-level programming language, approximating business English, that is used in an interactive computer environment. It is a favorite among financial analysts.

Bit
The smallest piece of data recognizable to a computer. The term bit is a contraction for binary digit.

Byte
An electronic data processing term that is used to describe one position or one character of information, made up of eight bits. A character of data or a position of computer storage of the eight-bit variety is called a byte of data or a byte of memory.

CAI
Computer Assisted Instruction. A student interacts with a computer in order to learn a specific task or lesson.

CPU
Central Processing Unit. The CPU is that part of a computer that contains the arithmetic, logic, and control functions. For practical purposes, it is everything except computer storage (memory) and input/output.

GIGO
Garbage in, garbage out.

K
An expression signifying a unit of memory size. It refers to 1024 positions of computer memory. For example, a 28K memory contains 28,672 positions of memory.

Language
The computer has two languages: an internal, machine language, which uses the binary system, stringing 1s and 0s together; and an external language, consisting of English letters, numbers and symbols. To translate from binary to English, a language program is needed. Most home computers are programmed to understand BASIC . BASIC allows the operator to communicate with the computer by typing English words and abbreviations into the keyboard. The BASIC program automatically translates them into assigned binary codes.

Mass Storage
An ordinary tape cassette deck can be used to store information. However, it has some distinct disadvantages: it can be very time-consuming to transfer the information, and, if the recording is poor or if the tape stretches, the stored data may be lost. A more expensive, but more reliable system, is disk storage. Disks look like 45-r.p.m. records, slip in and out of a vertical turnstile, and can record and recall information at very high speeds.

Memory
There are two basic types of memory: "Read only memory" (ROM) refers to knowledge permanently built into a computer. "Random access memory" (RAM) refers to the computer's capacity to store information while it is turned on. If the information is to be reviewed at a later time, it must be transferred to "mass storage" (see above); otherwise, the information will be lost when the computer is turned off.

Microcomputer
A very small computer, usually contained on one or a few semiconductor chips.

OS
Operating System. An operating system is a collection of program hat controls the execution of other programs. It handles such tasks as scheduling, allocation of resources, input and output, data management, and related services.

Printer
Automatic typewriters that print paper records of computer activity, including calculations, letters, recipes.

Program
Instructions given the computer to perform a specific task. The program is written in computer language. Programs are called software, to distinguish them from the physical hardware of the computer itself. In addition, firmware are programs that are permanently programmed into the computer's "read only memory."

RAM
Random Access Memory. A computer memory that allows access to any of its locations. It is the most common type of computer memory.

ROM
Read Only Memory. A memory module that is manufactured with its use predefined and included. This kind of memory can be read from but not written to. It is not programmable in the traditional sense.

Terminal
This is the video screen linked to the computer via the typewriter keyboard. The screen allows a person to pose questions and read the computer's answers as well as display games and draw graphics. Computers have black-and-white or color screens or hook up to an ordinary television set.

Continuous Progress
An educational system in which the student moves through the various levels of subject matter at an individual rate, rather than by arbitrary assignment with others of the same age.

CO-OP
Cooperative program. Involves vocational work-time outside of the school building, along with regular school courses in the building.

CPI
Consumer Price Index

Criterion-Referenced Test
A measuring device used to determine whether a learner has achieved a pre-defined set of objectives at the specified level of proficiency. The learner's abilities are compared to the criterion and not to other individuals.

Crosswalk
The expression of the relationship between two structures or formats (for example, between the program structure and the appropriation-budget structure); the translation of multi-year program and financial plans into annual budgets; a table vertically listing program categories and horizontally listing appropriations and budget activities.

Current Expense
Any expenditure in a school budget, except for those for capital outlay and debt service.

De Facto Segregation
Racial separation not directed by law, but which exists in fact and

which is maintained by housing patterns, gerrymandered school district lines, and social class barriers.

De Jure Segregation
Racial separation directed by law, as in South Africa.

Debt Service
The payment of interest and amortization charges of a debt.

Debt Service Fund
Money set aside or invested for the purpose of meeting future payments on a debt; usually, it is established to accumulate money needed to redeem long-term obligations when they become due.

Demographics
A branch of statistics which studies the size, composition, and distributions of population.

Differentiated Staffing
A method of using and compensating teachers on the basis of the greatest use of their individual strengths. For example, a teacher willing and capable of assuming more responsibility would be on a higher salary scale than one who wishes to work more as a technician in administering already prepared materials. Aides, specialists, and laymen are usually used to provide more individualized instruction.

Distributive Education
A public vocational instructional program designed to meet the needs of students over 14 years of age who have entered or are preparing to enter occupations in marketing, merchandising, and management.

Due Process
Constitutional rights as defined in the 14th Amendment to the U.S. Constitution.

E & O
Errors and Omissions insurance.

Educable
Classification under Title 6 of N.J.A.C. for students. Capable of learning to a degree that exceeds mere repetition.

Eminent Domain
(1) The power to take private property for public use, whether exercised by the sovereign power directly or by one to whom such power has been delegated for quasi-public purposes; (2) the right by which private property may, in certain cases, be taken or its use controlled for the public benefit, without regard to the wishes of the owner.

Encumbrances
Obligations in the form of purchase orders, contracts, salaries, or other commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Equalized Valuation
A measure of taxable property within a district using a formula designed to allow comparisons among communities, even though tax ratios may vary.

ERIC
Education Research Information Center—a computerized system of educational clearing houses providing access to educational literature.

Escheat
The reversion of property to the state (or other governmental unit).

ESEA IV
Elementary and Secondary Education Act IV—an act designed to encourage districts to develop imaginative solutions to education problems, use research findings, create, design, and make use of supplementary centers and services.

ESL
English as a Second Language

ETS
Educational Testing Service, Princeton. Runs various student tests, including SATs, Achievement Tests, Advanced Placement Tests.

Executive Session
That portion of the meeting of a public body which is closed to the public for the consideration of certain allowable matters, as specified in the Sunshine Law.

Faithful Performance Bond (Also Fidelity or Surety Bond)
A bond that insures or guarantees against losses from the actions of treasurers or other employees who are delegated responsibility for handling funds.

Federal Register
The formal record of actions and proposed actions by the legislative and executive branches of the federal government.

Fiscal Year
The twelve-month period used as the basis for an operating budget.

Fixed Assets
Assets of a long-term nature (land, buildings, furniture, machinery); the word "fixed" does not mean the assets are immovable.

Full Valuation
The true value of real estate in a taxing district. Usually based on examinations of real estate sales in the district over a given period.

Goal Statements
Generalizations about the intended results of a curriculum. Goal statements can be expressed in two ways: outcome goals (ends) which state what a curriculum is intended to accomplish; process goals (means) which state how the ends are to be accomplished.

Grandfather Clause
A part of an agreement which exempts certain persons from provisions in the agreement which came after the start of their current employment.

Grant-In-Aid
A financial grant, frequently in the form of periodic payments, made by a government or agency to another government or agency or to an individual, for assistance in a general or specific project. For instance, a grant by the federal government to the states for the promotion of vocational education. Usually requires a preliminary or matching contribution and the meeting of certain stipulations.

Halo Effect
A bias in ratings arising from the tendency of the rater to be influenced by his personal impression of the person being rated.

Hardware
A computer term referring to the machine or piece of equipment itself.

Heterogeneous
In education, a grouping of students in a manner unrelated to their intellectual abilities.

Holistic
An approach or study which considers the subject as a single entity, rather than an interrelated system of distinct elements.

Homogeneous
In education, the grouping of students according to their intellectual abilities.

IEP
Individualized Educational Plan. Required by state and federal law, this is a set of prescribed instructional activities and services developed by a local child study team in conjunction with teaching staff and parents, for the identified needs of a handicapped student.

Impact Aid
Federal funds to districts or communities to offset the loss of tax revenue from tax exempt federal facilities located within the district or community, which nonetheless draw upon locally supported services such as schools, police, and fire departments.

Indirect Costs
Those costs necessary in the school system's operation or in the performance of a support service for which the amount applicable to each instructional program cannot be determined readily and accurately (for example, costs for heating and lighting).

In Loco Parentis
A Latin phase meaning "in place of the parent". In contemporary education parlance, the school's position in determining the amount of supervision given a student away from home.

Individualized Instruction
A student centered education model which recognizes individual needs and provides opportunities for the student to proceed at his own rate commensurate with ability, interest, and motivation.

Intermediate Service Unit
Commissions or agencies established for the purpose of providing specific and limited services to local boards of education. Educational services commissions, special services school districts, and educational improvement centers are intermediate service units.

IPLE
Institute for Political and Legal Education

Job Description
A written statement of the duties and responsibilities involved in any one position. Includes a summary of the education, experience, and training the person must possess in order to qualify for the position.

Joint Appropriations Committee
A committee, consisting of members of both the Senate and the Assembly, which convenes each year in February to study and approve the budget submitted by the Governor for the next fiscal year. This committee is the source of resolution by which the full Legislature adopts the state budget by June 30 of each year.

LDTC (LDS)
Learning Disability Teacher Consultant (Learning Disabilities Specialist). Person directly responsible for the identification and classification of handicapped children and development of the educational prescription designed to remediate their deficiencies.

LEA
Local Education Agency. A legally constituted organization established to conduct the business of a school district; a board of education.

Load Factor
Any factor which is considered in determining a teacher load; for example, time required per week, diversity of subjects, size of classes, type of subject, extra duties, etc.

Local Autonomy
The power the state grants to local school districts to make many of their own decisions, administer their own schools, etc.

Magnet School
A school offering special courses not available in regular school programs and attracting students, on a voluntary basis, from all parts of the school district. Often used to aid in the integration of a school system. Examples of magnet schools—Gifted and Talented, Agriculture, Arts, Vocational.

Mainstreaming
An instructional strategy in which a handicapped child is placed among the regular student population of a school for a portion of the school day. The specific amount of time spent in the mainstream of students is determined by the particular needs and handicap of the student.

Mastery Learning
School of thought which assumes that mastery of a topic is possible for all individuals, provided that each learner is given the optimum quality of instruction which is appropriate for his/her particular make-up and that each learner is given the time he/she needs.

MBO
Management By Objectives. A process in which all involved in a project or process identify goals and define individual major areas of responsibility in terms of expected results. These measures are then used as guides for operating the unit and assessing the contribution of each of the members.

Median
The point in a distribution of scores below which 50 percent of the scores lie. It divides a distribution of scores into two equal parts.

Microfiche
A 4" x 6" sheet of transparent film on which pages of information are

optically reduced at a ratio of 24 to 1, so that the sheet can contain 70 to 90 pages, arranged in a grid pattern by rows. A special machine, called a reader, is needed to enlarge the miniaturized pages so that they may be read.

Microfilm
Film upon which, by photographic processes, printed and other materials are reproduced as minute images on the film and may be observed through a special magnifying viewer or by projection.

Middle Management
In education, school principals are called middle management.

Mode
The most frequently occurring score in a distribution of scores.

NAESP
National Association of Elementary School Principals

NASBE
National Association of State Boards of Education

NASSP
National Association of Secondary School Principals

NEA
National Education Association.

Needs Assessment
In education, an evaluation to determine whether the present curricula is achieving the intended results.

NJAC
New Jersey Administrative Code—The rules and regulations promulgated by the executive agencies of the state, governing the operation of that section of law under the specific charge of the agency. N.J.A.C. Title 6 governs education and is adopted by the State Board of Education.

NJASA
New Jersey Association of School Administrators

NJEA
New Jersey Education Association

NJSBA
New Jersey School Boards Association

Norm-Referenced Test
Testing which seeks to compare an individual performance with the normal or average performance for a large group of similar individuals.

Note
A certificate issued by a government or bank and possibly negotiable as money. An agreement to pay or repay a specified sum of money at a stated time or on demand (promissory note); similar to a bond, but usually involves fewer legal formalities and a shorter period of time.

NSPRA
National School Public Relations Association

Parochiaid
A term for government assistance to nonpublic schools.

PDK
Phi Delta Kappa—an honorary education fraternity.

Pedagogy
The art, practice, or profession of teaching.

PERC
Public Employment Relations Commission—a state agency which makes policy and establishes rules and regulations concerning employer-employee relations relating to dispute settlement, grievance procedures, contract administration, and negotiations.

PERS
Public Employees Retirement System—state system governing retirement in New Jersey.

PL 94-142
The 142nd law passed and signed during the 94th Congress of the United States. The statute prescribes that a free and appropriate education be available to all children, regardless of any handicap of the student. The counterpart of this federal law in New Jersey is *N.J.S.A.* 18A:46.

POB
Program Oriented Budgeting—A budget based upon the specific cost related to each element of the educational program.

Professional Days
Days taken off by teachers and other professionals for educational meetings, seminars, or workshops. Usually provided for in a limited number in a negotiated contract.

Project Head Start
A federal preschool child development program of the Office of Economic Opportunity which provides a comprehensive program of education, medical care, social services, and nutritional help for preschool children from disadvantaged backgrounds.

PTA
Parent—Teacher Association

Pupil Personnel Service
That department of a school system whose primary purpose is to help classified students receive the education best suited to their needs and abilities. Can include health services, remedial classes, and guidance.

Purchase Order
A document submitted to a vendor which requests material or services at a price set forth in the order. The purchase order is the usual point of encumbrance in the accounting cycle.

RBS
Research for Better Schools, Philadelphia

Reading In the Content Area
An instructional approach which stresses the application of specific reading skills in relation to subject matter.

Real Property
A legal term relating to permanent or immovable things such as buildings.

Recall
The legal procedure by which qualified electors may remove from office those officials who have been elected by them. In New Jersey, there is no provision for removing elected board of education members by the voters.

Referendum
Submission of a proposed public measure to a direct public vote.

School Site Councils
A group of lay and professional individuals put together to advise and counsel the school managers.

School-Based Management
A school site council with the increased responsibility of making decisions regarding budget, personnel, and programs. The degree and latitude of responsibility assigned by a board of education to the council will vary greatly.

School Site Budgeting
Budget development based on school sites; intended to encourage the diversity of expenditure needed to meet the needs of students at individual schools.

School Business Administrator
A certificated position held by the person in a district responsible for business administration, usually in a Type II school district. May be an assistant superintendent for business—also a certificated position. In a unit-control district, will report directly to the superintendent. In a dual-control district, will report directly to the board.

SDOE
State Department of Education

Software
Elements of a computer-based system, including written computer programs, flow charts, etc. which relate to information systems. Also, the package of programming support which is provided with a given computer, generally including an assembler, compiler, operation system, and a library of subroutines.

Standard Deviation
The measure of variation from a specific percentage used in standardized testing and statistical sampling. For example, if the standard deviation for a test were 5, then scores 5% below or 5% above the actual score would be relatively equal for the purposes of assessment.

Standard Error of Measurement
The estimate of the amount of error to be expected in a test score. It is used to indicate the number of points an obtained score may vary from its true score.

Standing Committee
A regularly constituted committee of a board of education, usually appointed by the board president for a definite period of time; for example, finance committee, building and grounds committee, policy committee.

Stanine
A mathematical division into nine groups, commonly used in the reporting of standardized test scores.

Team Teaching
A type of instructional organization in which two or more teachers are given joint responsibility for all of the same group of students; the team may include aides and student teachers. Also, a method whereby the teachers of adjoining rooms in an elementary school plan and work together so that students have a homeroom teacher and other teachers for specific subjects.

Tenure
A condition in which employment in a position is guaranteed upon the completion of a period of probation. Tenured employment cannot be terminated except upon the completion of a procedure of due process.

Time Sharing
The purchase of direct computer services for specific and limited periods of time, using existing telephone facilities.

Title IV of ESEA
Elementary and Secondary Education Act. Deals with library and learning resources and educational innovations.

Title IX
Education Amendments of 1972. Prohibits sex discrimination.

TO
Table of Organization.

Tort
Any negligent or willful and wrongful act of school officers or employees by which pupils or other innocent persons are injured.

True Valuation
The market value of property, as opposed to the assessed valuation of property for taxation purposes.

Tuition Tax Credit
An allowance against a family's annual federal income tax, for a specific amount of money, which has been spent on their child's education in a private school.

Type—A Lunch
The minimum nutritional standards for federally reimbursed meals provided in schools. Minimum serving must include meat, vegetables, bread, and milk.

Unappropriated Budget Balance
Portion of the current year's estimated revenues that has not been appropriated, or the estimated fund balance at the end of the current fiscal year.

Voucher
In financial matters, a document attesting to the propriety of a financial transaction; often indicating the accounts affected by the transaction.

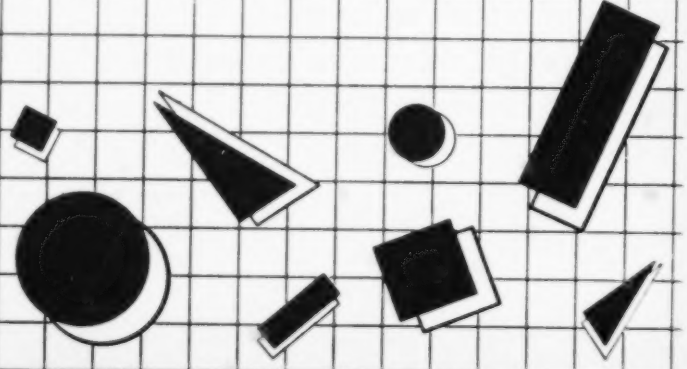
Voucher Plan
A plan to distribute educational monies through issuance to parents directly of a voucher allocating public funds to pay the cost of their children's education in either a public or a private school of their choice.

Warrant
An order from one official that directs another to pay a specific amount to a named person or to the warrant's "bearer"; may or may not be payable "on demand."

YTD
Year-to-Date

Zero-Based Budgeting (ZBB)
A budgeting system in which requests for funds must be justified without reference to past practice.

The NJSBA Field Services Department



Direct service is provided to local boards of education by the Field Services Department. This decentralized assistance, as needed, originates from easy-to-reach field offices scattered around the state and staffed by association field service representatives (FSRs).

Following is a listing of the office sites and counties served from each location:

Denville—Bergen, Essex, Hudson, Morris, Passaic, Somerset, Sussex, Union and Warren

Marlboro—Middlesex, Monmouth and Ocean. Urban Boards are also serviced out of this office.

Hammonton—Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester and Salem

Trenton—Hunterdon and Mercer

Local boards of education can get immediate help with various problems by contacting the field office which serves them. Onsite assistance will be provided by the FSR in such areas as legal questions, labor relations issues, legislative information, communications assistance, inservice training, or any aspect of school operations.

Association FSRs can also be relied upon to help plan meetings, provide speakers, develop liaison with other educational organizations, or enhance board members' understanding of the role to be played by local boards of education in the educational affairs of New Jersey.

Your first thought when you need assistance with local board problems, advice or reassurance should be to contact your FSR...your guarantee to full use of services available from your New Jersey School Boards Association!